

TRANSPORT COMMITTEE

29 FEBRUARY 2016

REPORT OF SOUTH YORKSHIRE PASSENGER TRANSPORT EXECUTIVE

DONCASTER DEVOLUTION DEAL NETWORK REVIEW

Summary

This report summarises the process undertaken with bus operators, that provide the majority of all local bus services in Doncaster, to review the bus network provided in Doncaster in order to implement a coordinated, efficient and integrated network that is sustainable and allows for new and cheaper multi-operator ticketing to be introduced.

The network was reviewed by all partners during 2015 and the partnership undertook non-statutory public consultation from Monday 09 November 2015 to Friday 18 December 2015 with stakeholders/customers relevant to the new passenger proposition to seek views on the changes proposed, before submitting a final network change proposal for approval as set out in this report.

1. Issue

- 1.1 This report seeks approval to implement the package of bus Network and ticketing changes proposed for Doncaster as part of the wider Sheffield City Region Devolution Deal (December 2014) programme.

2. Recommendations

It is recommended that the Transport Committee:

- 2.1 as part of the bus devolution package, approve the changes to the Doncaster area bus Network as detailed in Section 3.4 of the report, having had regard to the Equality Impact Assessment (Section 3.6) and the Equality Act duty (Section 4.2.2), the consultation process and responses (Section 3.3 and Section 3.4) and noting that the process satisfies the Competition Test (Section 3.8).
- 2.2 as part of the bus devolution package, agree to the Qualifying Agreements between Operators (Section 3.7) that are required to

deliver Network changes referred to in 2.1 above, noting that the Qualifying Agreements are in the interests of passengers and that they do not impose on the Operators restrictions that are not indispensable to securing improvements for passengers and noting that they satisfy the Competition Test;

2.3 support the changes to the Multi-Operator Ticketing offer being proposed by the Operators, as part of the bus devolution package;

2.4 endorse the next steps for this work as summarised in Section 3.11.

3. **Background Information**

3.1 OBJECTIVES

3.1.1 The objectives of the Sheffield City Region Devolution Deal pertaining to bus are to deliver:

- a bus Network that is co-ordinated, efficient and integrated; and
- a simplified single ticket range, attractively priced.

3.2 BUS NETWORK REVIEW

3.2.1 A review of bus services in the Doncaster area has been undertaken collaboratively by the following:

- Arriva Yorkshire Limited
- Doncaster Metropolitan Borough Council
- First South Yorkshire Limited
- Lincolnshire Road Car Company Limited trading as Stagecoach East Midlands
- South Yorkshire Passenger Transport Executive
- Yorkshire Traction Company Limited trading as Stagecoach Yorkshire

3.2.2 It is anticipated that these participants and the resulting Devolution Deal bus Network will form the foundation of the proposed Doncaster Bus Partnership. Details of the final partnership arrangements will be reported separately for approval to the Transport Committee meeting in April 2016.

3.2.3 In delivering the aims of the Devolution Deal, the review set out to develop a Network that:

- is co-ordinated, for better use of limited resource;
- minimises congestion and pollution by avoiding excess duplication;
- is efficient, being more sustainable to both Operators and the taxpayer;

- continually strives to improve performance of the bus services in terms of reliability & punctuality;
- is integrated, providing access to other services;
- in the long term provides a stable platform that will help support economic growth and help reduce worklessness;
- in the long term provides a stable platform to encourage modal shift to support patronage growth; and
- allows reinvestment to improve access or reduce fares.

It should be noted that there is a real and growing risk that financial, operational and performance pressures on Operators could lead to uncontrolled fare rises, and the withdrawal, reduction or changes to the commercial service Network leading to increased pressure on SYPTTE revenue budgets. Commercial services generally represent approximately 90% of all local bus services. Operators are not obliged to discuss or consult on commercial Network or other changes to services so the coordinated approach to the network review is seen as a genuinely positive step, that is recognised nationally, in allowing the combined authority (through the work of the PTE) to influence the local bus network and allow the public and other stakeholders a say, through consultation, on the changes proposed. This is only possible through partnership working.

The provision of a more sustainable Network resulting from this Network Review will help to alleviate these pressures and is a key driver for the proposals in this report.

3.2.4 The review process, as originally reported to the Transport Committee on 20 July 2015, was established by participants having sought independent legal advice, with support from consultants TAS Partnership Limited, The Confederation of Passenger Transport UK (CPT), the DfT and the Competition and Markets Authority. A copy of the review process is included in **Appendix E – Competition Test**.

3.2.5 The Network proposals in Section 3.4 and **Appendix C** have enabled Operators to offer an attractively priced Doncaster Connect ticket. It should be noted that this is subject to acceptance of the revised Network as the efficiencies and long term stability of the network support the price reduction, which along with the Fares and Ticketing offer (Section 3.5) would be delivered as a package.

3.3 CONSULTATION

3.3.1 The consultation was launched on 9th of November 2015 and ended on 18th of December 2015.

Consultation materials (website, questionnaires and maps) introduced the proposed network for Doncaster and showed specific bus routes in the area. The consultation was designed to give members of the public the opportunity to provide their feedback on specific bus services.

The consultation used a range of specific techniques to engage with MPs, local elected members, parish councillors, stakeholders, bus operator staff (including bus drivers), and members of the public. It also used a range of techniques to ensure outreach, engagement and provide contact for anyone requiring further information or assistance in completing the questionnaire. These included:

- Online questionnaire
- Paper questionnaire form
- Online and paper consultation booklet, which gives an overview of the different sections of the consultation and why we are undertaking this consultation.
 - via Social Media, Facebook, Twitter
 - Media Release
 - Email engagement to MP's, local elected members, parish councillors
 - Real time screens at bus stops and interchanges.
 - Map at customer service desk at interchange, poster map on buses
 - Drop in events

An essential part of consulting involved engaging members of the public across Doncaster, and doing so:

- Introduce the concept of the Doncaster Bus Partnership
- Build and maintain an ongoing dialogue with local communities, businesses and commuters about the proposals.
- Determine public perception of the current problems and experiences when travelling by bus in Doncaster.
- Demonstrate that proposals will be developed to respond to the issues, views and priorities of the public.
- Capture public perceptions of proposals.
- Offer the opportunity for everyone to provide feedback.

3.3.2 A total of 801 responses were received of which 467 (58.3%) were received from online respondents and 334 (41.7%) from respondents who completed paper questionnaires.

- 3.3.3 A consultation process and feedback executive summary is attached as **Appendix A**. A copy of the original consultation questionnaire and accompanying Network map and list of proposed service changes is attached as **Appendix G** and **Appendix H**.

3.4 PROPOSALS - NETWORK

- 3.4.1 The aim is to provide a more efficient and sustainable local bus network with this report seeking approval to reduce the total bus fleet requirement from about 170 to 165 (less than 5% fewer) buses. This has primarily been done by reducing some frequencies where appropriate for level of use, and extending some services to replace current standalone services. A summary of proposed final changes is provided in **Appendix C – Final Summary of Changes by Ward**

Appendix C provides a ward by ward summary of the bus network changes and should be used in conjunction with the details below.

- Column two (of Appendix C) provides the details of the changes to the current bus network that were included as part of the consultation (as shown geographically in Appendix H)
 - Column three provides details of the main comments arising through the consultation from members of the public, elected members and stakeholders.
 - Column four identifies changes that are proposed, to the consulted network, to address as many of these concerns as possible.
- 3.4.2 Appendix B provides a summary of comments received, and changes made, at a service level and supports the ward summary details contained in Appendix C.
- 3.4.3 The key points and service issues raised in consultation are summarised below:
- Financial
 - Cost neutral for SYPTÉ for current Tendered Service Budget
 - Reduced risk of future budget pressure due to unsustainable commercial network (lower risk of services being cancelled)
 - Operation:
 - New and enhanced bus services linking more residential areas to major employment zones of FaRRR, Lakeside, the Dome and Woodfield Way.
 - Changes to the Thorne Road corridor to introduce a network that meets the vast majority of

customer/councillor requests.

- Introduction of an all bus operator ticket (DonConnect) saving 23% on the current all operator ticket, to match with that available in Rotherham and price fixed to April 2017. This is only possible due to:
 - A more efficient, sustainable bus network
 - Reduced duplication
 - More coordination along common sections of route
 - Minor reduction in fleet size (less than 5%)
- A more sustainable Network to both Operators and the taxpayer
- A more stable platform that will help support economic growth
- Allows reinvestment in quality and a stable platform from which to launch the Doncaster Bus Partnership
- Reduces congestion and pollution by avoiding excess duplication

Main concerns not addressed as shown in the table below (see Appendix B for full details of all concerns and details of any mitigation or reasons it cannot be addressed).

The Equality impact assessment (covered in 3.6 and appendix D) provides further details of the impacts on protected groups and any mitigation specifically for these groups.

Issue identified	Local area	Mitigation
Longer journey times	Auckely and Branton	Approx 5 minutes longer but more buses per hour and improved access to the town centre
	Moorends & Thorne	Express journeys to be removed to allow network improvements along the Thorne Road corridor. Local rail services available for fast journeys.
Need to interchange	Localised journeys only	Due to some route changes there will inevitably be some localised links that are no longer available without interchange.
Longer walk	Cusworth Lane (part)	Alternative stop within 300m
	Morrisons (York Rd)	Alternative stop within 270m
	Anchorage Lane	Alternative stop within 600m
Reduced access to jobs/employment	Doncaster Airport	Service X19 (daytime) and 57 (evening/Sunday) will continue to serve the airport. Ongoing discussions with partners on improving the service level without further PTE funding are progressing

Issue identified	Local area	Mitigation
Loss of access to hospitals/doctors	None identified	None required
Lack of evening service	Scawsby	Service 42 will no longer operate in an evening. Alternative services on Barnsley and York Road. Subsidy per passenger journey exceeds approved thresholds.
Loss of some journeys	Various	Some very low usage journeys have been removed where the cost to maintain them exceeds the current agreed funding thresholds.

General mitigation for the changes affecting passengers.

- Multi operator and multi leg journeys (savers) will reduce the cost for multi-operator journeys.
- Most extended walks are within DfT standard guideline walking distances of alternative services/stops (400m daytime/ 800m evening/sunday) (as approved by the (then) ITA in 2010 for tendered service criteria).
- Community Transport provides an alternative for those who are unable to access local bus services.

3.5 PROPOSALS - FARES AND TICKETING

3.5.1 On 26 January 2016, The TravelMaster Board (being the body that operates the multi-operator ticketing schemes in South Yorkshire) agreed, subject to implementation of the revised local bus network in Doncaster, to introduce the following multi-operator ticket product:

Availability - Bus only within the Doncaster boundary

Duration	Multi-operator tickets		Saving
	New bus only cost	Current bus/train cost	
Day	£4.50	£7.70 (South Yorks)	41.5%
Weekly	£15.50	£20.30 (Doncaster)	23.6%
28 Day	£54.00	£70.10 (Doncaster)	23.0%

The ticket prices above will also be fixed until April 2017 and this is a new product and mirrors Rotherham's multi-operator ticket.

3.5.2 This supports the Sheffield City Region Devolution Deal objective to deliver an attractively priced simplified single ticket range, and will be a positive change for those making multi-operator journeys.

3.6 EQUALITY IMPACT ASSESSMENTS

3.6.1 The decisions the Transport Committee are being asked to consider are not decisions solely for SYPT, as the commercial

elements of the Network and the Ticketing proposals are matters that the Operators control, albeit influenced by SYPTE in negotiations and through partnership working. However, regardless of the degree of control, SYPTE has determined to consider the Equality Implications of the changes proposed in order to ascertain the impacts on persons with Protected Characteristics; this will enable The Transport Committee to give due consideration to these when deciding to approve or endorse the recommendations.

3.6.2 By the nature of the decision to be taken (i.e. to agree changes to the level of bus services being operated), it is likely that the Public Sector Equality Duty under the Equality Act 2010 is engaged, and even if not engaged, it would be good practice to ensure equality considerations are fully captured and taken into account. Therefore in making the decisions contained in this report, the Transport Committee are reminded of their legal duty under section 149 of the Equality Act (set out in full in the legal implications section (see section 4.2.2 below, which the Transport Committee should ensure they read and understand)) to have due regard to the need to:

- i) eliminate discrimination, harassment and victimisation;
- ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- iii) foster good relations between those who share a protected characteristic and persons who do not share it.

3.6.3 Relevant 'protected characteristics' under the Equality Act include, for example, age, disability, race and sex.

3.6.4 In having due regard to the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not, The Transport Committee should have due regard to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low.

3.6.5 As the changes relate to the level of bus services being delivered, the protected characteristics relevant to this report are

specifically disability, sex and age, being the groups most reliant on public transport and as such impacted by any changes.

3.6.6 As decision makers, The Transport Committee must know and understand the legal duties in relation to the public sector equality duty and consciously apply the law to the facts when considering and reaching decisions where equality issues arise. In particular The Transport Committee:

- must be aware of their responsibilities under the duty (**knowledge**)
- must ensure adequate evidence has been considered to understand the effects of the decision to be made (**sufficient information**)
- must consciously and actively consider the relevant matters – in particular by rigorously considering the identified adverse impacts and the way in which they can be mitigated – in such a way that they influence decision-making (**real consideration**)
- must consider the matters before and at the time a decision is taken and not simply after the event, and must keep matters under review (**timely and under review**)
- must not delegate to third parties who are carrying out functions on the authority's behalf (**no delegation**)
- should ensure that there is a **record/audit trail** of how due regard has been shown.

3.6.7 The Transport Committee should consciously consider with an open mind the impacts and benefits on the persons with the protected characteristic as set out in this report, the impact of the decision on the equality objectives set out above and the desirability of promoting them. It is for the Transport Committee to determine the weight to be given to the various factors that inform the decision, including the equality impacts and the legal duty to have due regard under section 149 and such countervailing factors as are relevant to the decision, including the financial constraints. The Transport Committee are reminded that section 149 does not compel them to any particular policy decision, but that its intention is to influence the process by which the decision is reached.

3.6.8 For the purposes of discharging the public sector equality duty, Transport Committee' attention is therefore drawn to the EIA attached hereto (**Appendix D**) and the impacts on the groups with protected characteristics of age, gender and disability which have been specifically identified in this report and the EIA.

3.6.9 The table below summarises the key impacts and mitigations arising from the consultation and EIA:

<p>Protected Characteristics</p>	<p>Identified impacts on following groups:</p> <ul style="list-style-type: none"> • Age • Disability • Pregnancy or maternity • Sex <p>Number of people asked: Open consultation, with 856 responses overall</p> <p>Of which: 54.7% Female 44.3% aged 65 and over 31% disabled 21% mobility related issues</p>
<p>Impacts</p>	<p>Some of the proposed network changes will, for some stops:</p> <ul style="list-style-type: none"> • extend walking distances to the nearest service • require interchange to get to a destination • increase the possibility of waiting time, which may include exposure to the elements • change may at first be confusing for those with learning disabilities or older people who have used the current network for several years' <p>These may present difficulties for people with disabilities, pregnancy or parents with children, the old, infirm, or those with limited mobility.</p> <p>Where interchange is required, there may be a financial impact for fare payers such as younger people who may have to pay for more than one bus journey to get to the same destination.</p> <p>In general women are more likely to use bus services more frequently than men. The impacts identified in other protected characteristics are therefore likely to affect women disproportionately to men.</p> <p>The impacts summarised above may present barriers to travel, which may increase the possibility of social exclusion or have an adverse impact on access to employment or education for those who cannot access or are unwilling to use alternatives.</p> <p>A more detailed summary of the impacts on protected groups is included in Appendix D.</p>
<p>Mitigations</p>	<p>The network changes are designed to provide the most efficient network with the least impact on users.</p> <p>Ticketing improvements for multi operator and multi leg journeys (savers) will reduce the cost of pre-paid multi operator tickets. There is also a price freeze on individual operator pre-</p>

	<p>paid.</p> <p>Child and scholars making multiple leg journeys on regular basis can purchase operator day and weekly tickets thus capping the financial impact on users that require interchange.</p> <p>Community Transport provides an alternative for those who are unable to access local bus services.</p> <p>Most extended walks are within DfT standard guideline walking distances of alternative services/stops (400m) (as approved by the (then) ITA in 2010 for tendered service criteria).</p>
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3.7 AGREEMENT WITH OPERATORS

To deliver the Network, a Qualifying Agreements (QA) between Operators is required to cover the co-ordination of timetables for individual services where they will be jointly operated. The QA forms part of the Competition Test process summarised in Section 3.8.

The services needing a QA for the Doncaster Devolution Deal changes are shown in **Appendix F**.

The QA does not cover fares and neither SYPTTE nor DMBC are a party to the ticketing agreements.

3.8 COMPETITION TEST

As noted above, in devising the Network a collaborative approach by Operators and the use of a Qualifying Agreement was required. This can distort or restrict competition and as such is subject of a Competition Test that is set out in the Transport Act 2000. In effect these arrangements need to be assessed to establish if the negative impacts on competition are justified by passenger benefits. The process and the QA should be assessed together.

The first stage is to consider all the terms and effects (or likely effects) of the QA and determine that the following requirements are satisfied:

- (i) the Agreement is in the interests of persons using local services within the area of the authority, and
- (ii) it does not impose on the Operators concerned, restrictions that are not indispensable to the attainment of the bus improvement objectives.

As the QA relates only to the co-ordination of the timetable on services where more than one Operator is operating (so as to ensure an even headway and service coverage for the benefit of customers and to

reduce the risk of congestion), it is considered that both limbs above are satisfied, and the QA can be certified.

Once certified, the QA and the Network Review process are subject to the Competition Test. To pass the Competition Test, where they are likely to have an adverse impact on competition, they must contribute to the attainment of one or more of the bus improvement objectives (improved vehicles or facilities, other improvements of benefit to passengers, or reducing congestion, air or noise pollution), if it does so contribute then the agreement must not impose restrictions which are not indispensable to the achievement of the bus improvement objectives, and finally if it does not then the agreement must not afford the Operators concerned the possibility of eliminating competition. The outcome of the test is that they are considered to pass the test. The details of the test are set out in **Appendix E** for the Transport Committee's review and consideration.

3.9 FINANCIAL IMPACTS

The proposed changes:

- are cost neutral for SYPTTE for current Tendered Service Budget
- reduce risk of future budget pressure due to unsustainable commercial network

3.10 RISK

3.10.1 Risk that failure to reach a satisfactory agreement on the proposed changes, may lead to uncontrolled reductions in the Network, leading to an increased call on SYPTTE revenue budgets and larger impacts on passengers, particularly the more vulnerable groups.

Mitigation – This has been a driver for the approach used, the proposals contained in this report and why they are recommended for implementation.

3.10.2 Risk that unforeseen or revenue issues with SYPTTE or Operators impact on the proposals.

Mitigation – Development of a Doncaster Bus Partnership, to monitor and manage proactively by introducing Governance.

3.10.3 Risk that Operators will increase the price of their own product to offset any perceived loss of revenue from lower priced Multi-Operator changes. (This risk also covers changes to existing ticketing in Doncaster such as the acceptance of other Operator's tickets in certain circumstances).

Mitigation – Development of a Doncaster Bus Partnership, to monitor and manage proactively by introducing Governance.

3.10.4 Risk that future (unforeseen) changes will undermine current proposals.

Mitigation – Development of a Doncaster Bus Partnership, to monitor and manage proactively by introducing Governance.

3.11 NEXT STEPS

Subject to approval of these proposals, the next steps for the work in Doncaster are:

3.11.1 Continued engagement on proposals with:

- Officers and senior managers at DMBC
- Mayor Ross Jones, Mayor of Doncaster
- Councillor Joe Blackham, Portfolio holder for Regeneration and Transportation

3.11.2 That the Report is passed to the Transport Committee for approval; then:

- finalising the details of timetabling with Operators to allow registration of services to take place 56 days before launch.
- updating existing retailing channels to accommodate the revised ticketing products (Kiosks, Website etc.)
- a comprehensive campaign to promote these changes. This will involve all partners and be co-ordinated by SYPTE.

4. **Implications**

4.1 Financial

There is provision in SYPTE's current budget for business as usual activities to implement these recommendations. This includes a contribution to the promotional work which will be jointly funded with Operators.

4.2 Legal

4.2.1 **Qualifying Agreement**

In certifying the proposed Qualifying Agreement (defined as an agreement between operators only) the Transport Committee are certifying that they have considered all the terms and effects (or likely effects) of the agreement and that in their opinion the following requirements are satisfied:-

- (a) the Agreement is in the interests of persons using local services within the area of the authority, and

- (b) it does not impose on the operators concerned restrictions that are not indispensable to the attainment of the bus improvement objectives.

4.2.2 **Equality Act Duty**

Section 149 of the Equality Act 2010 sets out the public sector equality duty in the following terms:

“149. (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

- 5) *Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:*
- (a) *tackle prejudice, and*
 (b) *promote understanding.*
- (6) *Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.*
- (7) *The relevant protected characteristics are:*
- *age;*
 - *disability;*
 - *gender reassignment;*
 - *pregnancy and maternity;*
 - *race;*
 - *religion or belief;*
 - *sex;*
 - *sexual orientation”*

The Transport Committee are referred to Section 3.6 of this report in respect of this duty.

4.3 Diversity

The implications for these protected groups are detailed in the EIA attached as **Appendix E**. All decisions made regarding these proposals must be taken in light of the impacts given in the EIA.

Appendix A	- Consultation Summary Report
Appendix B	- Recommended Network Amendments Following Consultation Feedback
Appendix C	- Final Summary of Changes by Ward
Appendix D	- Equality Impact Assessments
Appendix E	- Competition Test
Appendix F	- QA Services Frequencies
Appendix G	- Consultation questionnaire
Appendix H	- Network Proposal Map and Proposed Changes

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Background papers used in the preparation of this report are available for inspection at SYPTE, 11 Broad Street West, Sheffield, S1 2BQ.