

**Forward Plan reference number: FP/861/11/20**

<b>Report title:</b> Essex County Council - Data Agency Service 2021	
<b>Report to:</b> Councillor Lee Scott - Cabinet Member for Highways Maintenance and Sustainable Transport	
<b>Report author:</b> Helen Morris, Head of IPTU (helen.morris@essex.gov.uk)	
<b>Date:</b> 30 April 2021	<b>For:</b> Decision
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<b>County Divisions affected:</b> 'All Essex'	

## 1. Purpose of Report

- 1.1 The Department for Transport wants to make it easier to travel by bus and is making details of bus services available as open data including information on timetables, fares, vehicle location and punctuality. Local Transport Authorities have a role to play in supporting bus operators to meet their new open data obligations. The Council proposes to offer a data agency service in which it will create and host data on behalf of bus operators who may lack the digital skills, capabilities and resources to comply with these duties.

## 2. Recommendations

- 2.1 Agree to offer and charge for an open data service to support those bus operators who need assistance in complying with their open data obligations from April 2022.

## 3. Summary of issue

### What is the Bus Open Data Service?

- 3.1 In order to improve bus journeys, the Department for Transport (DfT) have required bus operators to provide open, accurate and up to date data including timetable, fares and vehicle location (real time data). The Public Services Vehicles (Open Data) (England) Regulations were made in July 2020 and set out the statutory deadlines for bus operators to legally publish their data. The Department for Transport's Bus Open Data Service (BODS), publicly launched in 2020, is a digital service providing bus timetable, fares and location data for every local bus operator across England. During 2021, timetable data can be published by operators on a voluntary basis, with this becoming enforceable with penalties in 2021. The dates by which bus operators need to legally provide their data will be phased:

- 31 December 2020 – obligation to provide bus timetable data to BODS .
- 07 January 2021 – obligation to provide basic fares data and vehicle location data to BODS

- 07 January 2023 – obligation to provide complex fares and ticket data to BODS

3.2 These changes shift some data responsibilities from Local Authorities to Operators, which poses several challenges for operators as a result of the increased responsibilities. This could result in less operators in the market unless solutions are found. In October 2020, BODS uptake had been poor regionally; with only five Essex Operators registered (four of them being the national groups of: Arriva UK, First Group, Go-Ahead & Stagecoach). However, the Council assisted a further 13 Operators to comply by March 2021.

## The Proposal

3.3 In response to these changes and the DfT's new statutory regulations for Local Authorities (NaPTAN – the virtual bus stop database), the Council considered the following questions during 2019/20:

1. *Do we need an Essex dataset post-January 2021?*
2. *Do we need to help out smaller operators, who cannot fulfil their statutory duties? If so, why?*
3. *What should we offer in an Essex data agency service?*

3.4 The results are found in Appendix 2, which demonstrate that there is value in the Council offering a **Data Agency Service** offering four main services. The results can be summarised as follows:

- a. **Routes & Timetables** – this service would involve the Council administering changes instigated from the Bus Registration Process, amending route and timetable data on behalf of Operators within the core dataset and providing a compliant file for submission to the DfT BODS. Different charges would be applied to the various Traffic Commissioner registration types, as per below :

Route & Timetable Data	Charge (£)
New Registration - containing map and timetables, requires admin and processing	90
Variation timetable & Route change- Containing map and timetable	45
Variation timetable only- time table adjustment	27
Cancellation of route	9

As a result of the pressures that Local Bus Operators in Essex have been put under in order to continue running services during the pandemic, it is proposed that part of this service will be provided free of charge if the Council are already holding the relevant dataset on or

before 31 March 2022). This would ensure that all Operators in Essex will have the opportunity to comply, whilst data from the current system (i.e. the arrangements prior to Bus Open Data) is still available even if the operators do not have the resources to comply.

This would mitigate the risks of any possible DfT financial penalties made against the Operator impacting on the Council and residents either via tender renewals or fare increases.

- b. **Hosting** – In addition to purchasing the above service, Operators could nominate the Council as their Agent to submit and host their files to the BODS system. Hosting would be supplied via the Essex Open Data Portal ([data.essex.gov.uk](http://data.essex.gov.uk)), which currently is updated weekly with bus route and timetable data and is resource for both internal Essex County Council teams and external partners (Essex Highways, Transport Planning companies etc). The Council will not charge for this service.
- c. **Fares** – The Council expects to be submitting gross contract fare charts for the 50 services under contract to them. The free-of-charge suite of software to do this has been developed by Transport for the North with Essex County Council acting as a tester during Alpha & Beta stages. A service to bus operators will be offered to Operators should they require support, although bus operators will submit their own fares using this tool. The Council will not charge for this support but will provide support to bus operators to enable them to submit this data.
- d. **Real Time** – The Council continues to run a Real Time information system in order to present information across its estate. As a result of BODs, all Operators' vehicles will need to be equipped with a solution to produce real-time information for bus services. The Council may look to support operators in identifying funding to support them with this. The Council would not fund this service.

## Uptake

- 3.4 The Council expects the national Operators of Arriva, First, Go-Ahead & Stagecoach to have their own back-office solutions in place; however a review in November 2019 identified that up to 29 of the 38 Essex Operators (76%) could have no Route & Timetable solution during 2021 and therefore not be able to meet the legislative requirements or face penalties for non-compliance (see 9.3). Similar findings would be expected for Real Time capability. This market analysis was conducted with a mixture of teleconferencing, virtual focus groups and face-to-face meetings over 2019 and 2020.

## 4. Options

#### 4.1 Option 1 - **Offer a Data Agency Service** (recommended option)

This option involves ECC offering a data agency service from April 2022 offering Route & Timetables, Fares processing and Real Time services.

- Essex County Council is in a strong position having the software/skills & hosting available to assist Operators with a data agency service guaranteeing no gaps in data provision over 2021/22 as the requirements transfer from the Council to bus operators.
- This option maintains the Council as an industry leading Local Authority with regards to the bus data (having been supplying Open Data since 1998).
- The Data Agency function aligns well with the Local Authority Notification process, whereby Essex County Council has 28 days' period to review commercial bus registrations routes & timetables.
- There is possible duplication if a similar Data Agent (private or Operator) also wanted to offer this work.

#### 4.2 Option 2 - **Do nothing**

This option is not recommended.

- If nothing is done, there is a strong likelihood of gaps in data provision, due to Operators not having the required software/skills & hosting. This will impact customer journey planning and availability of bus information.
- Doing nothing could potentially see Essex Operators not complying or closing their services to the public, withdrawing them completely and/or not bidding for future subsidised Local Authority services.
- These gaps in data will mean the following areas will be impacted: Information at roadside, Network Planning, Effective Stop Allocation & installation of Bus Infrastructure.
- Doing nothing would not fully utilise the Council's potential to support operators in this area, as elements of Open Data still need to be carried out by the Local Authority: NaPTAN duties (virtual bus stop database), data for in-house fleet (Ugobus), Section 22 services (which are not in scope of current Open Data practices), which include: Flexible, DRT, some school and heritage services, fares for subsidised services.

## 5. Links to Essex Vision

### 5.1 This report links to the following aims in the Essex Vision

- Enjoy life into old age
- Provide an equal foundation for every child
- Strengthen communities through participation
- Develop our County sustainably
- Connect us to each other and the world
- Share prosperity with everyone

For more information visit [www.essexfuture.org.uk](http://www.essexfuture.org.uk)

5.2 This links to the following strategic aims in the Organisational Plan:

- Enable inclusive economic growth
- Help people get the best start and age well
- Help create great places to grow up, live and work
- Transform the council to achieve more with less

## 6. Issues for consideration

### 6.1 Financial implications

ECC is able to provide a range of services to local operators, to help operators meet the new obligations placed upon them. ECC staff have the competency to provide this service through the existing staff base and will charge the suppliers on full cost recovery basis.

The pricing matrix below sets out the proposed pricing for services. This charge is based on the estimated staffing charge to complete each of the activities. The staffing charge includes employer's national insurance, employer's pension contributions and relevant corporate overhead recharges.

Route & Timetable Data	Charge (£)
New Registration - containing map and timetables, requires admin and processing	90
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It is estimated that there will be approximately 50 requests per year, generating an income in the region of £2,000 to £5,000 per annum.

The route and timetabling work will be carried out by ECC staff that sit within the travel information team. These staff are funded under Community Transport and have sufficient revenue budget in future years to maintain this activity.

## **6.2 Legal implications**

6.2.1 Local authorities can charge up to full cost recovery for discretionary services unless specific charging powers exist elsewhere.

6.2.2 In order to charge for discretionary services, the Council must have the power but not the duty to provide the service. There should also be no pre-existing law which restricts or prohibits the power to charge for the service.

## **7. Equality and Diversity implications**

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report **will not** have a disproportionately adverse impact on any people with a particular *characteristic*.

## **8. List of appendices**

8.1 Appendix 1 - Cost Recovery Methodology

8.2 Appendix 2 - Equality Impact Assessment - EQIA263314171

## **9. List of Background papers**

9.1 Potential for an Essex data Review (August 2019 – December 2019)

## 9.2 Operator Profile (November 2019)

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>
<b>Councillor Lee Scott - Cabinet Member for Highways Maintenance and Sustainable Transport</b>	07/07/21

### In consultation with:

<b>Role</b>	<b>Date</b>
<b>Director Highways and Transportation</b>	07/07/21
<b>Andrew Cook</b>	
<b>Executive Director for Finance and Technology (S151 Officer)</b>	02/07/21
<b>Stephanie Mitchener on behalf of Nicole Wood</b>	
<b>Director, Legal and Assurance (Monitoring Officer)</b>	30.04.21
<b>Katie Bray on behalf of Paul Turner</b>	