

Forward Plan reference number: FP/41/04/19

Report title: Evening and Sunday supported local bus services	
Report to: Cabinet	
Report author: Andrew Cook, Director, Highways and Transportation	
Date: 23 July 2019	For: Decision
Enquiries to: Helen Morris Head of IPTU or Robert Richardson Local Bus, DRT & CT Manager, IPTU	
County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 This report asks the Cabinet to agree new policies for supported evening and Sunday bus services. The new policy would mean that generally ECC would not support journeys leaving after 2200 Monday to Friday, 2300 on Saturday and 1900 on Sunday, subject to exceptions for journeys which regularly carry six or more passengers on average. The Sunday policy would additionally mean that the services that ECC did support on Sundays would run at a minimum two hourly frequency.
- 1.2 The report also asks Cabinet to agree to procure contracts providing supported evening and Sunday local bus services, which are due to expire in March 2020, currently totaling £635,000 for Sunday services and £1.2m for evening services except for contracts for two services. The report asks that contracts for these two services (service 21, Black Notley to Bocking and 418B Loughton to Harlow) are not awarded unless the tender prices is less than £5 per passenger journey.

2. Recommendations

Supported evening services

- 2.1 Agree a new supported evening services policy: that evening services are supported for departures until 22:00 on Mondays to Fridays and until 23:00 on Saturdays, with exceptions based on journeys carrying an average of six passengers or more.
- 2.2 Agree to the procurement of supported evening services listed at appendices A and C on the basis of this policy using the Dynamic Purchasing System.

Supported Sunday services

- 2.3 Agree a new supported Sunday services policy that Sunday services are a) supported between 08:00 and 19:00 with exceptions where appropriate based on journeys carrying an average of six passengers or more and b) supported

on a minimum two hourly frequency.

- 2.4 Agree to the procurement of the supported Sunday services listed at appendix B on the basis of this policy, using the Dynamic Purchasing System and inviting bids on three options where appropriate with award to be based on price:
- (i) a specified route and timetable basis;
 - (ii) an area basis, specifying the settlements to be covered and requiring operators to specify routes and timetables that meet the policy; and
 - (ii) a fleet basis, specifying the area and settlements to be covered and the fleet to be provided to enable a demand responsive service to be put in place that meets the terms of the policy.

General

- 2.5 Agree that the Director, Highways and Transportation, is authorised to award new evening and Sunday contracts to the lowest price bid meeting the minimum standards via ECC's existing dynamic purchasing system as long as those contracts are affordable within the overall local bus budget.
- 2.6 Agree that any such new contract will be for a period determined by the Director, Highways and Transportation with a maximum award term of four years on the basis of 2 years with the possibility of two further extensions for up to two years in total.
- 2.7 Agree that a procurement is undertaken for evening journeys on service 21 (Black Notley to Bocking) and 418B (Loughton to Harlow). Agree to award a contract if it is secured at a cost of £5.00 per passenger journey or less. Agree not to award a contract, but to withdraw the service, if the procurement fails to secure a cost per passenger journey of £5.00 or less.

3. Summary of issue

Background

- 3.1 In Essex, around 85 per cent of the bus network, by passenger miles travelled, is provided commercially. On these services, commercial operators set their own bus routes, set their own fares, maintain their own buses and run their services as commercial interests dictate.
- 3.2 The remaining 15 per cent of the bus network is supported by ECC. The Essex local bus network currently supports over 3 million passenger journeys a year. In 2018/19 the bus network supported by ECC accounts for over 200 services at a cost of £8.1m net per annum. Where commercial operators do not provide a service, ECC's role is to decide whether it is appropriate to provide a service.
- 3.3 To help make this decision ECC looks at many factors including what alternatives are available, how many people use services and whether they offer value for money. ECC will not support a service where it pays the

operator more than £5.00 per passenger carried after all finances of that service have been taken into consideration (all paying fares and concessionary fares included). This is commonly known as 'cost per passenger journey' (cppj) and is a key element in determining whether services should be provided by the local authority because it reflects both cost and demand.

- 3.4 ECC's current strategy for the local bus network is set out in 'Getting Around in Essex – a bus and passenger transport strategy' (the Strategy) which was published in September 2015.

The Consultation

- 3.5 The current evening and Sunday bus services provided by ECC support in total around 900,000 passenger journeys a year at a net cost of £1.9m.
- 3.6 In 2018 ECC began a thorough review of its financial support for those local bus services. In December 2018 the Cabinet Member for Education approved a 12 week consultation period on proposals, which sought to consult on:
- a new policy for supporting evening and Sunday services;
 - the individual impacts of those policies by service;
 - exceptions to those policies, if adopted;
 - withdrawing two evening services (service 21 Bocking to Black Notley and 418B Harlow to Loughton) which currently exceed ECC's cost per passenger journey criterion of £5;
 - a more flexible approach to the delivery of services, including smaller vehicles, demand responsive services and devolution.
- 3.7 In terms of impact, if implemented, the 10pm cut off for lightly used evening services would mean that for evening services, over 90% (92.4%) of passenger journeys will continue to be supported and withdrawn journeys (7.6%) are only those that carry fewer than 6 passengers. That would mean 97 individual journeys per day would no longer be provided, although some could be re-timed.
- 3.8 In terms of impact, if implemented, the 7pm cut off for lightly used Sunday services would mean over 90% of journey opportunities will continue to be supported (although some journeys may need to be re-timed – see paragraph below). Journeys carrying fewer than 6 people (9.7% of all journeys) would be withdrawn. That would mean 492 individual journeys would no longer be provided every Sunday, although some could be re-timed.
- 3.9 In terms of impact, if implemented, changing the frequency of Sunday services to 2 hourly, 44.8% of passenger journeys which are on the twenty routes which already operate at a two hourly frequency would see no change in frequency. There are eighteen Sunday services which currently operate at greater than two hourly frequency. Around 26% of passenger journeys overall would need to be re-timed where service frequencies are reduced. This would mean 1120 individual journeys can still be made but would have to be re-timed on a Sunday. It should be noted that all these passenger journeys will

still be possible, the frequency with which some journeys run is just being reduced.

- 3.10 ECC will continue to apply a £5 cost per passenger journey criteria as set out in the Essex Local Bus Service Priority Policy 2015 to 2020.
- 3.11 The first part of the consultation asked about ECC funded evening and Sunday local bus services; the new policies; and how we might deliver more flexible services. The second part looked at journeys made by individuals on affected services. Thirdly, consultees were asked to give their views on devolving the responsibility for local bus services to a more localised supported provision.
- 3.12 The consultation was sent to Parish Council representatives, City, District and Borough Councils, Libraries, mobile libraries, representatives of older persons groups, faith groups, options for independent living (OIL), schools, health care providers, bus operators and was available on the ECC Website and bus operators' web sites. ECC also asked Parish Councils to issue communications on the consultation. In addition, the consultation was publicised via the ECC website, social media channels, posters on bus routes, distribution on bus routes, advertising at bus stops in order to ensure that it attracted the largest response possible.
- 3.13 Responses could be completed online or by post. The consultation document included questions on all affected services, understanding the bus user and establishing reasons behind usage, establishing whether alternative options were available to make the journey, flexible delivery models and questions around devolving powers to other local councils or organisations
- 3.14 ECC received 3,318 responses to the survey, with a total of 1,220 people fully completing a questionnaire. In addition, around 22 responses were received via email, through comments on the consultation landing page or by letter. All of these responses were inputted into the consultation and are included in the overall analysis.

Evenings

- 3.15 ECC's proposal is to have a general policy that allows taxpayer funding to be focused on those services that are most well used, so that as many journeys as possible can continue to be supported. This means ECC would:
 - continue to fund the existing journeys on evening services that depart before 22:00 on Mondays to Fridays or before 23:00 on Saturdays;
 - consider funding specific additional journeys starting after these times that meet specific exception criteria, specifically journeys that have on average six passengers or more travelling.
- 3.16 Out of 1462 respondents to this question 56% did not agree with the proposal with 44% agreeing.
- 3.17 The main reasons for respondents agreeing with the proposal were:

- that it continued to support services up to 22:00 on weekdays and 23:00 on Saturdays;
- the most well used journeys were still supported;
- it was a better use of taxpayers' money;
- it largely maintained current services.

3.18 *Of the respondents who disagreed with the proposals, they were given two options to select and a free text option in order to explain why.*

63% of respondents stated that *I or others do not have an alternative way to make my/their journey* and 37% of respondents stated *It will have an adverse impact on the night time economy*.

Responses in the free text comments box related to 'not supporting changes to the evening services' have been themed, coded and quantified below:

Theme	Count	Percentage	Response
<i>Comments on better reflecting user needs and travel patterns and on the potential negative impacts of the changes</i>			<p>The Council recognises that people may not have alternative transport at a similar cost meaning that people may have to travel at different times – which, in a small number of cases, may not be possible including where people are travelling for employment. The services proposed for withdrawal are those with light usage – i.e. only those which on average carry fewer than six passengers. The Council proposes to retain evening services until 2200 departures on weekdays and 2300 on Saturdays and those proposed for withdrawal are less used. We accept that this will affect some people but the number of people affected by each journey will on average be fewer than six. The Council has to allocate resources where they will have the most benefit. Community led solutions such as shared taxis would offer a better alternative for these levels of usage.</p> <p>Although some people suggested there should be more, not fewer, night buses, those buses that we do run after 2200 on weekdays and 2300 on Saturdays are frequently lightly used.</p> <p>This proposal does take into account user need, because it is continuing to support journeys with higher need, but not at times of lower need.</p>
The proposal doesn't take into account user needs	67	17%	
The policy will not support activities outside normal working hours	53	14%	
The policy will affect current employment travel	49	13%	
The policy will have a negative impact on the community	26	7%	
There should be a more co-ordinated approach for bus travel	18	5%	
There should be more services – for example more night buses	11	3%	

Comments on individual routes			Comments on individual routes are included in annex E alongside a response. Generally, routes are assessed against the policy, including the exceptions policy, and no exceptions are made outside that policy.
Comments on individual routes	21	5%	
Comments supporting the case for maintaining and improving existing services			<p>The policy focuses on continued support for the most well used journeys and only withdrawing journeys where fewer than six people on average are travelling.</p> <p>The number of car or taxi journeys required to replace a bus with fewer than six people is unlikely to be less sustainable than the bus carrying fewer than six people. Community led shared car and taxi journeys offer the better option.</p> <p>Whilst people with impairments/disabilities/health conditions may find it easier to use the bus than some other forms of transport, other forms of transport are available and buses are available at earlier times. At a time of diminishing resources it is right that we should remove bus services which are so lightly used. Focusing on core hours will still enable people to access services although times may be less convenient.</p> <p>Some people have said that they feel safer on the bus than walking. However, other forms of transport are available and these proposals focus on the journeys which carry fewer than six people on average.</p> <p>Unfortunately, it is not possible to increase service frequency with the resources available. We will always consider proposals for services which are likely to be well used where there is funding to do so and the change in policy would continue to facilitate this.</p>
ECC should maintain current services	17	4%	
There is not enough affordable alternative sustainable transport	38	10%	
The policy is detrimental to personal safety	16	4%	
These services are vital for people with impairments/disabilities/health conditions	10	3%	
There should be an increase in bus service frequency	10	3%	
Environmental factors should be considered these decisions	8	2%	
Comments on routing options			ECC already encourage combining routes to deliver reduced cost in the tender process and this approach will continue. However, the savings would be less than stopping lightly used evening services.
Combining routes could make savings	9	2%	
Comments on the rationale for the proposition			The cost of delivering a service to the taxpayer is always considered alongside usage. The proposal is that the costs of providing a journey for fewer than six people on average are not considered proportionate and the investment is
The proposal is financially driven	8	2%	

			focused on the most well used journeys.
Comments on the content of the consultation			The consultation listed the services subject to consultation and set a clear parameter for service withdrawals i.e. after 22:00 for Monday to Friday evenings, after 23:00 for Saturday evenings and outside the hours 08:00 to 19:00 for Sundays. It invited views on that policy and an exceptions policy based on the average number of passengers travelling. The criteria of less than six passengers is based on an average annual figure. Concessionary passes are unaffected by this consultation or the proposals. Around half of Sunday services already run two hourly.
More information is needed to understand the proposal	7	2%	
Comments on the specific elements of the policy proposals			The passenger usage criteria are based on analysis which shows a significant drop in usage later in the evening and that later services run with on average fewer than 6 passengers. The fewer than six passengers criterion is based on an annual average not a single journey so it allows for variations over days and weeks. Numbers include concessionary pass holders. The policy end times are based on this with exceptions provided for where on average six passengers or more are travelling. It is not feasible for ECC to commission services that meet each individual transport need. Decisions on exceptions will be made by the Cabinet Member or Cabinet. Services will not stop running mid journey if numbers do not reach six or fall below six. Data is gathered from the operators and is from the electronic ticket machines. A passenger criterion based on fewer than six people travelling on average is considered reasonable.
I do not agree with the proposed passenger number criteria	4	1%	
I do not agree with the time constraints proposed	3	1%	
Comments on concessionary pass policies			ECC are not allowed by law to means test bus passes.
ECC should means test bus passes	4	1%	
Comments on vehicle size			Operators are encouraged to use the most appropriately sized vehicle for the passengers travelling and it is in their interests to do so as tenders are awarded on price. Journeys carrying fewer than six people are unlikely to be cost effective local bus services even with a smaller minibus sized vehicle.
Smaller vehicles should be used on routes to reduce cost	3	1%	
Comments on the value for money test			There is no proposal to change the £5 per passenger journey value for money

£5 per passenger journey test needs to be revisited	2	1%	criterion as part of this consultation. This still represents a per journey subsidy which is more than the cost of many single bus fares.
<i>Comments on the opportunities presented by technology</i>			ECC already promote technology to improve bus user experience (such as real time passenger information, digital journey planning, digital tickets and contactless card payments). Late evening services are unlikely to see significant growth in passenger numbers as a result of new technology.
Technology should be introduced to help improve bus user experience	2	1%	

Evening – exceptions

- 3.19 The consultation asked respondents if they agreed with proposals for an exceptions policy for supporting services after 22:00 Monday to Friday and 23:00 on Saturdays. ECC would consider funding any journeys after those times that have on average six passengers or more travelling
- 3.20 Out of 1226 respondents, 51% agreed with the proposed exceptions policy and 49% did not agree.
- 3.21 Those who agreed did so for the following main reasons:
- because the exceptions policy allowed specific cases to be taken into account
 - because it allowed flexibility in decision making.
- 3.22 Of the respondents who disagreed with the proposal, the main reasons were:
- there should not be exceptions
 - the proposed exceptions were too narrow
 - the proposed exceptions were too broad
- 3.23 ECC's view is that exceptions to the policy are justified on the grounds that it means specific circumstances can be reflected to ensure changes are made equitably across the county. It believes an exceptions policy based on usage enables the core objective of focusing support on the most well used journeys to be delivered.

Sundays

- 3.24 ECC's proposal is to have a general policy that allows taxpayer funding to be focused on those services that are most well used, so that as many journeys as possible can continue to be supported. This means ECC would:
- fund current Sunday services departing between the hours of 08:00 and 19:00;
 - consider funding specific additional journeys starting after these times that meet specific exception criteria, specifically journeys that have on average six passengers or more travelling;

- set a minimum two hourly frequency for those services.

3.25 Out of 1307 respondents to this question 59% did not agree with the proposal with 41% agreeing.

3.26 The main reasons for respondents agreeing with the proposal were:

- that it continued to support services between 08:00 and 19:00 hours;
- the most well used journeys were still supported;
- it focuses support at the time when most people are travelling;
- it was a better use of taxpayers' money.

3.27 Of the respondents that did not support the policy, the reasons were broken down into 3 answers of which respondents could select all they felt applied.

*43% of respondents to the question said that **I/others do not have an alternative way to make my/their journey**, 3% said **the reduction to a two hourly frequency would significantly affect my journey** and 26% of responses said **It will have an adverse impact on the Sunday economy***

In regards to the free text comments box relating to exceptions, these responses have been themed, coded and quantified below

Theme	Count	Percentage	Response
Comments on the specific elements of the policy proposals			The passenger usage criterion is based on analysis which shows a significant drop in usage later in the evening and that later services run with on average fewer than 6 passengers. The fewer than six passengers criterion is based on an annual average not a single journey so it allows for variations over days and weeks. Numbers include concessionary pass holders. The policy end times are based on this with exceptions provided for where six passengers or more on average are travelling. It is not feasible for ECC to commission services that meet each individual transport need. Decisions on exceptions will be made by the Cabinet Member or Cabinet. Services will not stop running mid journey if numbers do not reach six or fall below six. Data is gathered from the operators and is from the electronic ticket machines. A passenger usage criterion based on fewer than six people travelling on average is considered reasonable.
I do not agree with the time constraints proposed	66	16%	
I do not agree with the proposed passenger number criteria	4	1%	

<i>Comments on better reflecting user needs and travel patterns and on the potential negative impacts of the changes</i>			<p>The Council recognises that people may not have alternative transport at a similar cost meaning that people may have to travel at different times – which, in a small number of cases, may not be possible, for example where people are travelling for employment. The services proposed for withdrawal are those with light usage – i.e. only those which on average carry fewer than six passengers. We accept that this will affect some people but the number of people affected by each journey will be fewer than six on average. The Council has to allocate resources where they will have the most benefit. Community led solutions such as shared taxis would offer a better alternative for these levels of usage.</p> <p>This proposal does take into account user need, because it is continuing to support journeys with higher need but not at times of lower need.</p> <p>Moving to two hourly frequency means that journeys can still be made even if they must be re-timed.</p>
The policy doesn't take into account user needs	48	12%	
The policy will have a negative impact on the community	30	7%	
The policy does not support activities as well as Monday – Saturday	29	7%	
There should be a more co-ordinated approach for bus travel	21	5%	
<i>Comments on individual routes</i>			Comments on individual routes are included in annex E alongside a response. Generally, routes are assessed against the policy, including the exceptions policy, and no exceptions are made outside that policy.
Comments on individual routes	47	12%	
<i>Comments supporting the case for maintaining and improving existing services</i>			<p>The policy focuses on continued support for the most well used journeys and only withdrawing journeys where fewer than six people on average are travelling.</p> <p>The number of car or taxi journeys required to replace a bus with fewer than six people is unlikely to be less sustainable than the bus carrying fewer than six people. Community led shared car and taxi journeys offer the better option.</p> <p>Whilst people with impairments/disabilities/health conditions may find it easier to use the bus than some other forms of transport, other forms of</p>
The policy will affect current employment/volunteering travel	37	9%	
There is not enough affordable alternative sustainable transport	23	6%	
There should be an increase in bus service frequency	17	4%	
ECC should maintain current services	13	3%	
These services are vital for people with impairments/disabilities/health conditions	10	2%	
Environmental factors should be considered in these decisions	7	2%	

The policy is detrimental to personal safety	3	1%	<p>transport are available and buses are available at other times. At a time of diminishing resources it is right that we should remove bus services which are so lightly used. Focusing on core hours will still enable people to access services although times may be less convenient.</p> <p>Some people have said that they feel safer on the bus than walking. However, other forms of transport are available and by making these proposals we are focussing on the journeys which carry fewer than six people on average.</p> <p>Unfortunately, it is not possible to increase service frequency with the resources available. We will always consider proposals for services which are likely to be well used where there is funding to do so and the change in policy would continue to facilitate this.</p>
Comments on the long term impact of the proposed change			<p>The current level of taxpayer investment in services is no longer affordable in the current financial climate. The policy focuses on continue support for the most well used journeys and only withdrawing later journeys where fewer than 6 people on average are travelling. Moving to two hourly frequency means journeys can still be made even if they must be re-timed. If there is an increased demand in future, then service levels can be reviewed.</p>
The impact on potential future bus users should be considered	12	3%	
Comments on the rationale for the proposition			<p>The cost of delivering a service to the taxpayer is always considered alongside usage. The proposal is that the costs of providing a journey for fewer than six people on average are not considered proportionate and the investment is focused on the most well used journeys.</p>
The proposal is financially driven	7	2%	
Comments on the content of the consultation			<p>The consultation listed those services subject to consultation and set a clear parameter for service withdrawals i.e. after 22:00 for Monday to Friday evenings, after 23:00 for Saturday evenings and outside the hours 08:00 to 19:00 for Sundays. It invited views on that policy and an exceptions policy based on the average number of passengers travelling. The criteria of less than six passengers is based on an average annual figure not a single journey. Concessionary passes are unaffected by this consultation or the</p>
More information needed to understand proposal	6	1%	

			proposals. Around half of Sunday services already run two hourly.
Comments on routing options			ECC already encourage combining routes to deliver reduced cost in the tender process and this approach will continue.
Combining routes could make savings	5	1%	
Comments on strategy			We continually review our strategy. The current strategy 'Getting Around in Essex' was published in 2015 and takes account of future growth and the promotion of public transport.
New strategy needed to reflect growth and promote public transport	3	1%	
Comments on travel variations			<p>The proposal is based on average passenger journey numbers over a year. There are alternatives available for time limited travel demand, such as a seasonal increase or intermittent events.</p> <p>Additional early Sunday services and services running on routes and at a frequency that they do on weekdays are not justified by demand which is significantly less.</p>
Seasonal differences need to be considered in the policy	4	1%	
Sunday services should reflect routes and times of weekday services and start earlier	3	1%	
Comments on vehicle size			Operators are encouraged to use the most appropriately sized vehicle for the passengers travelling and it is in their interests to do so as tenders are awarded on price. Journeys carrying fewer than six people on average are unlikely to be cost effective local bus services even with a smaller minibus sized vehicle.
Smaller vehicles should be used on routes to reduce cost	2	0%	
Comments on the value for money test			There is no proposal to change the £5 per passenger journey value for money criteria as part of this consultation. This still represents a subsidy which is more than the cost of many single bus fares.
£5 per passenger journey test needs to be revisited	2	0	

Sundays – exceptions

- 3.28 The consultation asked respondents if they agreed with proposals for an exceptions policy for supporting services before 08:00 and after 19:00 on Sundays. ECC would consider funding any journeys after those times that have on average six passengers or more travelling
- 3.29 Out of 1281 respondents, 41% agreed with the proposed exceptions policy and 59% did not agree.
- 3.30 Those who agreed did so for the following main reasons:
- because the exceptions policy allowed specific cases to be taken into account

- because it allowed flexibility in decision making.
- 3.31 Of the respondents who disagreed with the proposal, the main reasons were:
- there should not be exceptions
 - the proposed exceptions were too narrow
 - the proposed exceptions were too broad
- 3.32 ECC's view is that exceptions to the policy are justified on the grounds that it means specific circumstances can be reflected while ensuring changes are made equitably across the county. It believes an exceptions policy based on usage enables the core objective of focusing support on the most well used journeys to be delivered. The exceptions policy is for journeys outside of the core hours of 08:00 to 19:00 to ensure travel is still available where there is that level of demand. It does not apply to frequency where journeys can be re-timed even if it is less convenient.

Getting the right type of service

- 3.33 Respondents were asked whether they supported ECC making wider use of smaller vehicles and/or demand responsive transport which are run when they are needed. This was answered by 1014 respondents and 72% of them supported this proposal. Of those who did not support the proposal, 42% said they prefer a fixed timetable, 30% said they don't like pre-booking, 16% said that it would be less accessible, and 12% said they prefer larger buses.
- 3.34 The Council understand people have differing preferences about how they want to travel. However, the Council needs to achieve the most cost-effective way to provide transport and this is one way to achieve this. It is proposed that any contract is awarded to the lowest cost option to the taxpayer. This could include a demand responsive service that involves pre-booking. If this is the case, ECC will ensure that passengers are supported in accessing the new service. Demand responsive services have proved popular in rural areas where they have been introduced. Vehicles would be accessible. For people with mobility issues demand responsive services can prove more accessible than traditional services. They have, for example, enabled services to run more widely and frequently than a traditional bus service would have done. However, ECC recognises that this would be the first time they have been introduced on a wider scale. If demand responsive services can be provided at a lower cost than traditional bus routes then more journeys can be supported as a whole.

Consultation respondents

- 3.35 Of the 1198 people who responded to the demographic information,
- 48% of respondents were male, 44% were female and 8% preferred not to say.
 - 29% of respondents were aged 65 or over while 19% were aged between 55 and 64, 14% were aged 45-54, 10% were aged 75 – 84, 9% were aged 35 – 44, 7% aged 25 -34, 4% aged 18 – 24, 2% were 85 or

over and 1% were under the age of 18. 5% of respondents preferred not to say.

3.36 Of the 1165 people who provided this information:

- 4.14% of respondents said that they have a physical impairment, 9% have a long term health condition that affects their transport needs (eg epilepsy), 6% have a hearing impairment, 6% have a have a mental health need and 3% have a visual impairment.

3.37 ***Place Services and Economic Growth Policy and Scrutiny Committee*** met on Thursday 23 May 2019 to consider the outcome of consultation. They raised the following issues in discussion: the time constraints in booking demand responsive transport services in advance and how flexible the service could be; whether age data was collected as part of the consultation (it is); that the main reasons why people disagreed with the proposals were made visible; whether in principle a break down of responses by District is possible (it is where that data has been shared by respondents); opportunities for using vehicles that fit passenger demand more closely. Scrutiny Committee also asked that as part of the final decision there should be clarity on which journeys would remain and which would be withdrawn. A service by service and journey by journey breakdown (A Guide to the Evening and Sunday Bus Services Changes) has been published on the website to ensure clarity.

3.38 The consultation responses have also informed the content of the EQIA.

Devolution

3.39 The consultation asked people for their views on the devolution of services. The responses on devolution are included in the consultation report and will be considered as part of the review of all other supported services later this year. This will form part of a future report to Cabinet.

Potential withdrawal of services

3.40 ECC currently provide the following two evening services: service 21 (Black Notley to Bocking via Braintree) and 418B (Loughton to Harlow) which are set out in appendix C. The cost of these services currently exceeds £5 per passenger journey.

3.41 There were 9 responses to the consultation which related directly to the 21 (Black Notley to Bocking) service. 8 respondents indicated that they could not re-time their journey.

3.42 The reasons given for using the service were work, leisure, shopping, healthcare, study or training and worship.

Comments relating to this service included:

- the proposals are detrimental to local bus users and withdrawal will make it more difficult for the community to access vital services, hospital, leisure activities, employment and will increase isolation

This service is a lightly used evening service. The majority of healthcare and other vital services are offered during the day when a commercial service is operated, although this may be less convenient. There may be an adverse impact if the services are withdrawn. At present the Council is operating a service which costs more than its policy of £5 per passenger journey and there are no exceptional circumstances relating to this service. There are many other communities who may be able to have a service if the cut off was more than £5 per passenger journey.

- It was suggested that the use of smaller buses may make the service cheaper

We will offer this option in the proposed re-tendering exercise.

3.43 There were seven consultation responses directly related to the 418B (Loughton to Harlow evening service). All respondents indicated that they could not re-time their journey with alternative services.

3.44 The reasons provided by the respondents for usage of the service were leisure, shopping, healthcare, worship, study or training, volunteering, visiting relatives and friends.

3.45 Comments relating to this service included:

- The current service helps the community to access leisure services and it would be a financial burden because not everyone can afford to use alternatives.

This is a consultation about a lightly used evening service. There may be an adverse impact on a number of people if the services are withdrawn. At present the Council is operating a service which costs more than its policy of £5 per passenger journey and there are no exceptional circumstances relating to this service. There are many other communities who may be able to have a service if the cut off was more than £5 per passenger journey.

- The Council should introduce more initiatives to use public transport,

The Council does seek to encourage the use of public transport. However bus patronage is currently in decline and services are being re-shaped to reflect usage.

3.46 It is proposed to include these services within the above procurement exercise in order to establish whether the service could be run in accordance with the new policy and provide a cost per passenger journey of £5 or under.

3.47 However, if it is not possible to secure a service which ensures that the cost per passenger journey is £5 or less, then it is recommended that ECC withdraw these services with effect from March 2020. This is when the current contracts in place for these services expire. Withdrawal is recommended because the cost per passenger journey exceeds £5 and there are no exceptional reasons to maintain these services.

3.48 Additional Comments

The consultation had an additional comments section asking if respondents wished to make any other point in response to the consultation.

There were 613 respondents who provided comment within this section.

The comments captured within this part of the consultation have been themed, coded and quantified below:

Theme	Count	Percentage	Response
Comments on better reflecting user needs and travel patterns and on the potential negative impacts of the changes			<p>The Council recognises that people may not have alternative transport at a similar cost meaning that people may have to travel at different times – which, in a small number of cases, may not be possible, including where people are travelling for employment. The services proposed for withdrawal are those with light usage – i.e. only those which on average carry fewer than six passengers. We accept that this will affect some people but the number of people affected by each journey will be fewer than six on average. The Council has to allocate resources where they will have the most benefit. Community led solutions such as shared taxis would offer a better alternative for these levels of usage.</p> <p>This proposal does take into account user need, because it is continuing to support journeys with higher need but not at times of lower need.</p> <p>Whilst people with impairments/disabilities/health conditions may find it easier to use the bus than some other forms of transport, other forms of transport are available and buses are available at other times. At a time of diminishing resources it is</p>
The policy would have a negative impact on the community	57	10%	
The proposals will affect the most vulnerable members of the community	54	10%	
There is a lack of alternative transport in the community	28	5%	
Bus travel is essential	27	5%	
The proposals will affect Cultural/Social/Leisure activities	25	4%	
The proposals would affect current employment travel methods	24	4%	
The proposals are counterproductive to local plans	23	4%	
There should be a more coordinated approach for bus travel	22	4%	
The proposals will be detrimental to the environment	19	3%	
The proposals would affect the night-time economy in Essex	3	1%	
The proposals will lead to more expenditure on travel	3	1%	
Local authorities have a duty under the UN convention on disability to provide public transport for all their residents	2	<1%	
ECC should revise the proposals to consider withdrawal of day services	2	<1%	

			<p>right that we should remove bus services which are so lightly used. Core hours means access to healthcare and other services is preserved even if it is less convenient.</p> <p>Adverse impacts on the local economy, environment, cultural, social and leisure activities, employment, local plans and individual travel costs are being minimised by focusing support on the services with sustainable demand. Only journeys with on average fewer than six passengers are being withdrawn. It is not possible to support low travel demand through a commissioned bus service cost effectively.</p> <p>Local bus services are commissioned to deliver travel opportunities for as many people as possible and have never been able to meet every individual travel need.</p> <p>ECC has a duty to review the provision of bus services and where none are commercially provided to make a decision on whether taxpayer supported services should be provided. There is no duty to provide services. ECC supports Community Transport schemes in Essex to enable those who cannot access mainstream transport to make journeys.</p> <p>Following this review of evening and Sunday services there will be a review of all other supported services including daytime services</p>
Comments supporting the case for maintaining and improving existing services			<p>The evening and Sunday policies focus on continued support for the most well used journeys and only withdraw journeys where fewer than six people on average are travelling.</p> <p>Bus usage is promoted by the bus operators and by ECC. However, these late evening and Sunday services show lighter levels of usage and are at times where there is less travel more generally and hence fewer potential passengers.</p> <p>The number of private car or taxi journeys required to replace a bus</p>
There should be proposals to advertise/market/encourage more bus use	42	7%	
ECC should maintain and/or improve current bus services in general	37	7%	
The proposals should encourage more sustainable transport solutions	36	6%	
Alternative methods of funding/commercial ideas should be considered	11	2%	

			<p>with fewer than six people is unlikely to be less sustainable than the bus carrying fewer than six people. Community led solutions such as shared taxis would offer a better alternative for these levels of usage.</p> <p>The level of patronage on the services that are proposed for withdrawal means that they are not capable of being run commercially.</p> <p>We will always consider proposals for services which are likely to be well used and the change in policy would continue to facilitate this.</p>
Comments on the content of the consultation			<p>Seeking to protect as much of the supported network as possible and reduce cost in ways that impact as little as possible on passengers has meant that ECC has proposed policies that are not simple wholesale service withdrawals. We recognise that this has meant the consultation is more complex than it would otherwise have been. However, written submissions are always accepted. The consultation was widely publicised including on buses and at bus stops, as well as through local magazines and on-line.</p> <p>The consultation set clear parameters for service withdrawals i.e. after 22:00 for Monday to Friday evenings, after 23:00 for Saturday evenings and outside the hours 08:00 to 19:00 for Sundays. It invited views on that policy and an exceptions policy based on the average number of passengers travelling. The criteria of less than six passengers is based on an average annual figure not a single journey. Concessionary passes are unaffected by this consultation or the proposals. Around half of Sunday services already run two hourly.</p>
The consultation was not simple to complete and was difficult to understand	33	6%	
More information needed to understand the proposals fully	13	2%	
The consultation will not reach the affected cohort of bus users	9	2%	
Comments on the specific elements of the policy proposals			<p>Around half of services already run on a two hourly frequency on Sundays. The proposal allows passengers to continue to make journeys within core hours while reducing the cost of running services at a higher frequency. Two hourly frequency is sufficient to carry the number of passengers travelling. Traffic volumes are significantly</p>
Disagree with policy around Sunday services every 2 hours	20	4%	
I do not agree with the time constraints proposed	8	1%	
I do not agree the proposed passenger number criteria	5	1%	

			<p>lower on Sundays so congestion is less of an issue. Services can still be accessed, even if times are less convenient.</p> <p>The policy end times are based on a significant drop in usage later in the evening. Later services run with on average fewer than six passengers. The policy end times are based on this with exceptions provided for where six passengers on average or more are travelling.</p>
Comments on vehicle size			Operators are encouraged to use the most appropriately sized vehicles for the passengers travelling. Journeys that are carrying fewer than six people on average are unlikely to become cost effective when procured as a local bus service even with a smaller minibus type vehicle.
Smaller vehicles need to be considered/made available to communities	20	4%	
There should be specific vehicles for specific routes so that they match demand	2	<1%	
Comments on the status of decisions			No decisions are made until consultation responses to the proposals have been fully considered. Decisions are taken by Cabinet.
It is not a true consultation because decisions have already been made	14	2%	
Comments on devolution			Comments on devolution will be considered as part of the review of all other services later this year and will be the subject of a separate Cabinet paper in due course. Once those decisions have been taken then the policy will also apply to evening and Sunday services.
More localised commissioning decisions are needed	9	2%	
Comments supporting the proposals			The consultation seeks to balance provision with cost in a way that delivers the maximum benefits and causes the minimum adverse impacts.
I agree with the consultation proposals	6	1%	
Comments on different operating models			Where demand responsive models have been introduced in Essex they have proved successful. Vehicles are accessible. Passengers are supported in moving to the new model. The proposal is to invite bids on this basis for appropriate Sunday services. This would be the first time that demand services had operated on this scale in Essex. Roll out will depend on tender price at procurement.
I have concerns over the roll out of Demand Responsive Transport and how accessible vehicles will be	4	1%	
Comments on opportunities presented by technology			The intention is to test digital solutions to demand responsive transport as part of the procurement of some Sunday services.
The proposals need to include new digital solutions to demand transport	2	<1%	

Comments on the value for money test			There is no proposal to change the £5 per passenger journey value for money criteria as part of this consultation. This still represents a subsidy which is more than the cost of many single bus fares.
Review policy around price per passenger per trip	2	<1%	
Comments on assessing equalities impacts			The equalities impacts are assessed on the known characteristics of bus users. The overall impacts are also assessed on the specific journeys under consultation. The EQIA shows that those in certain protected groups are more likely to be bus users and therefore more likely to be disadvantaged by these proposals. Individual responses to the consultation also reflect this usage pattern. These impacts are being mitigated by focusing support on the journeys with the highest usage, by focusing on core hours to allow access to services and only withdrawing journeys with fewer than six people on average travelling. Areas with higher bus usage are likely to retain more journeys because they will meet the exception criteria more frequently.
A specific EQIA is needed for each district	2	<1%	

4 The Procurement

- 4.1 The local bus contracts have previously been let via a Dynamic Purchasing System (DPS) which has provided for the procurement of services since 2017. It is proposed that ECC will continue to use this system for the procurement of the supported evening and Sunday local bus services.
- 4.2 Sunday services may be offered for procurement on three bases where appropriate:
- (i) a specified route and timetable basis;
 - (ii) an area basis, specifying the settlements to be covered and asking operators to specify routes and timetables that meet the policy; and
 - (ii) a fleet basis specifying the area and settlements to be covered and the fleet to be provided to enable a demand responsive service to be put in place that meets the terms of the policy.
- 4.3 It is proposed that contract bids will be assessed to ensure that they meet minimum standards and then all bids will be based exclusively on price. The standard framework terms and conditions will be used, which include key performance indicators for contract management purposes and ensure ECC can seek continuous improvements during the contract period.
- 4.4 It is proposed that at the conclusion of the procurement, the contracts will be awarded to the successful bidder by the Director, Highways and

Transportation, provided those contracts are affordable within the overall local bus budget. These contracts will be for a period determined by the Director, Highways and Transportation with a maximum award term of four years on terms 2 years + plus 1 + plus 1.

5. Options

5.1 Option 1 - Procure services according to the supported evening and Sunday service policies using intelligence gathered from the public consultation and passenger data, to ensure communities retain access to key services as highlighted below (recommended option)

- Evening journeys to operate until 22:00 Monday to Fridays and 23:00 on Saturdays with appropriate exceptions where there are on average six passengers or more on a journey;
- on Sundays to operate between 08:00 – 19:00 with appropriate exceptions where there are on average six passengers or more on a journey and at a two hourly frequency;
- Flexible delivery options are included in the procurement to maximise the travel opportunities within budget.

5.1.1 Benefits:

- Local communities served would retain access to evening and Sunday bus services;
- Services would be tailored to meet local usage, reducing the need to provide services where there is no demand;
- Opportunity is provided for operators to provide local solutions in an innovative way;
- The needs of communities are balanced proportionately against the cost to taxpayers.
- There could be a positive impact on the commercial network following the withdrawal of an ECC journeys as the current operator may feel inclined to operate these journeys on a commercial basis.

5.1.2 Issues:

- Some areas will have reduced service provision where there has been a lack of patronage
- Some areas will have a reduced frequency
- New delivery models may mean that passengers need to adapt to different vehicles (such as minibuses) or are required to book journeys
- There could be a negative impact on the commercial network following a withdrawal of an ECC journey as the current operator may feel it is not commercially viable for them to operate a later evening journey beyond ECC operating hours.

5.2 Option 2 – No action – To let contracts for all current evening and Sunday services expire at the end March 2020. (Not recommended).

- 5.2.1 Benefits:
- Until March 2020 local communities served would retain access to all current services, maintaining existing links to key services;
 - There would be a saving to taxpayers of £1.9m from April 2020.
- 5.2.2 Issues:
- With existing contracts due to finish in March 2020 this will leave communities with no ECC supported evening and Sunday services on these routes following this date;
 - ECC have not consulted on the withdrawal of evening and Sunday services;
 - This approach would not meet the objectives of the current Local Bus Priority Policy. See appendix D.
- 5.3 Option 3 – procure all evening and Sunday services as they currently operate. (Not recommended).
- 5.3.1 Benefits:
- Communities would retain access to all current services, maintaining existing links to key services.
- 5.3.2 Issues:
- Taxpayers will continue to fund evening and Sunday services at a cost of £1.9m including where there is often little or no passenger use.
- 5.4 Option 1 is the recommended approach as this balances the needs of communities, bus passengers and cost to the taxpayer and mitigates the key risk that decisions on future service provision are made in isolation and without due consideration of the wider strategy.

6 Financial implications

- 6.1 Refer to separate confidential appendix. This paragraph contains commercially confidential information relating to the estimated cost of the contracts which could be used to unduly influence tender submission prices if published.
- 6.2 The proposed option to procure evening and Sunday services according to the intelligence gathered from the public consultation and passenger data, will ensure the future service delivery design is efficient and effective and will ensure value for money is achieved for the taxpayer.

7 Legal implications

- 7.1 The Transport Act 1985 puts ECC under a statutory duty to secure the provision of such passenger transport services as ECC consider it appropriate to meet any public transport requirements within their area which would not in their view be met otherwise.

- 7.2 ECC will undertake a procurement exercise in accordance with the provisions set out within the Public Contract's Regulations 2015 and ECC's procurement policy and procedures. The contracts for these services will be procured via ECC's Passenger Transport Dynamic Purchasing System/Framework Contract. Bids are evaluated 100% on price.

8. Equality and Diversity implications

- 8.1 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.
- 8.2 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).
- 8.3 The equality impact assessment recognises that some groups are over represented in bus passengers, namely older people, disabled people and younger people. Bus passengers are also likely to be in lower income brackets, although income is not a protected characteristic. Any withdrawal of bus services is likely to have a greater on people in these groups. ECC are minimising the impact on these groups by maintaining services, other than those services which are used by fewer than six people on average. ECC are ensuring that people can still make journeys on these routes up to 2200 hours on weekdays; 2300 hours on Saturdays and between 0800 and 1900 on Sundays. This means people can still travel although they may need to re-time their journey. The policy protects 'core hours' so that people are still able to access key services, even if it is less convenient.

9 List of appendices

- 9.1 Appendix A - List of Evening services
- 9.2 Appendix B - List of Sunday contracts
- 9.3 Appendix C - List of evening/Sunday contracts failing the £5 cppj threshold
- 9.4 Appendix D - Local Bus Priority Policy
- 9.5 Appendix E - Summary of consultation evaluation
- 9.6 Appendix F - EQiA
- 9.7 Appendix G – Confidential financial information

10 List of Background papers

- 10.1 Getting Around in Essex – a Bus and Passenger Transport Strategy
- 10.2 A Guide to the Evening and Sunday Bus Services Changes