

# North Yorkshire Council

## Environment Directorate

02 August 2024

### Bus Service Improvement Plan 3 (BSIP) Delivery Programme Award of Contracts

#### Report of the Assistant Director – Integrated Passenger Transport, Licensing, Fleet, Harbours and Countryside Access

#### 1.0 PURPOSE OF REPORT

- 1.1 To consider the proposed delegation of Local Transport Functions from the York and North Yorkshire Combined Authority; and
- 1.2 Subject to 1.1, to approve the award of contracts to deliver the Bus Service Improvement Plan 3 (BSIP3) improvement programme agreed by Executive on 19 March 2024.

#### 2.0 BACKGROUND

- 2.1 Bus services continue to be under significant pressure, both locally and nationally. Faced with reduced patronage following COVID19, increasing operating costs and timetable reductions, the Department for Transport (DfT) has been allocating funding to support bus services through local councils.
- 2.2 On 23 October 2023, the Government announced £150 million of funding for buses called 'Network North: Phase 3 Bus Service Improvement Plan funding' (BSIP3). This is being allocated to local authorities in the Midlands and the North for 2024/25, following the decision not to proceed with the High Speed 2 rail project.
- 2.3 On 07 December 2023, NYC received notification from the DfT that we had an indicative allocation of £3.5m for 2024/25.
- 2.4 Executive approved the BSIP3 improvement programme and to accept the associated funding on 19 March 2024.
- 2.5 On 12 June 2024, the updated BSIP was submitted to DfT in draft form, along with the Bus Connectivity Assessment (BCA). Subsequently, on 18 June 2024, Executive approved the BSIP. This submission successfully met the DfT's requirements to release the BSIP3 funding to NYC.
- 2.6 During this time, York and North Yorkshire Combined Authority (YNYCA) was formally established as a combined authority for the administrative areas of the constituent councils of City of York Council (CYC) and North Yorkshire Council by virtue of the York and North Yorkshire Combined Authority Order 2023 (the "Order").
- 2.7 By virtue of Article 13(3) of the Order the functions of NYC and CYC specified in Parts 4 (local transport services) and 5 (financial provisions) of the Transport Act 1985 and Part 2 of the Transport Act 2000 are exercisable by the YNYCA instead of NYC and CYC.
- 2.8 Whilst BSIP3 funding has been allocated to NYC by the DfT for 2024/25, technically the relevant transport function has transferred to YNYCA. The intention therefore is for YNYCA

to delegate this transport function back to NYC and CYC for 2024/25 to enable delivery of the BSIP3 programme.

### **3.0 BSIP3 DELIVERY PROGRAMME**

- 3.1 BSIP3 is revenue funding and is currently for one year only (2024/25) so we have focused on schemes that can be delivered in a relatively short timescale. Awarding the contracts will release the funding to local operators and allow us to deliver the proposed enhancements.
- 3.2 Given the priority local residents have placed on bus services in the recent Local Transport Plan engagement, awarding the contracts for this additional funding gives us an opportunity to address some of the issues through the planned improvement programme.
- 3.3 Awarding the contracts for the geographically diverse development programme will support improvements to a range of services across the County. See Appendix A for detailed breakdown approved by Executive on 19 March 2024, our Enhanced Partnership and DfT.
- 3.4 This project will fund improvements to both commercial and tendered bus routes and the procurement approach being taken is supported by our legal and procurement teams.
- 3.5 With the establishment of the YNYCA in February 2024 we are working closely with City of York to ensure our BSIP plans align and that passengers will see a joined-up approach on bus fares and services. Awarding the contracts will allow our improvements to line up with City of York initiatives.

### **4.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- 4.1 Engagement with bus operators has taken place through the Enhanced Partnership which includes bus companies and the passenger representative group Passenger Focus. A briefing was made to the Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee on 01 February and the proposals have been informed by the extensive 2023 Local Transport Plan engagement which received around 5000 public and stakeholder responses. <https://www.northyorks.gov.uk/letstalkny>

### **5.0 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 None, this is additional funding to support bus services in North Yorkshire. If we do not award contracts for the approved schemes the opportunity to improve public transport for residents will be missed and it may prejudice future Government grant funding.

### **6.0 FINANCIAL IMPLICATIONS**

- 6.1 The BSIP3 schemes have already been agreed by Executive, the grant is revenue funding of £3.5m for one year, 24/25. No match funding is required. The grant is additional funding being provided for bus services, proposed schemes have also been approved by DfT and will be fully funded by the BSIP3 grant. As the schemes will initially be only for one year, in line with the grant, there will be no ongoing funding requirement for the Council.

### **7.0 LEGAL IMPLICATIONS**

- 7.1 In accordance with Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 a local authority and/or a Combined Authority may make arrangements, subject as provided therein, for the discharge of any of their functions by (inter alia) any other local authority.

- 7.2 By virtue of Article 13(3) of the York and North Yorkshire Combined Authority Order 2023 the functions specified in Parts 4 (local transport services) and 5 (financial provisions) of the Transport Act 1985 and Part 2 of the Transport Act 2000 are exercisable by the YNYCA ('Local Transport Functions').
- 7.3 Pursuant to section 101 of the Local Government Act 1972 Act, YNYCA intends to delegate the discharge of the Local Transport Functions (excluding S108, 109, S112 and 154 of the Transport Act 2000, which are decisions for the Mayor) within the administrative area of North Yorkshire to NYC, and for the administrative area of the City of York to CYC subject to the terms and conditions of a S101 Agreement. This will be a tri-partite agreement between NYC, CYC and YNYCA.
- 7.4 In respect of S108, 109, S112 and S154 of the Transport Act 2000, YNYCA, CYC and NYC intend to discharge these powers jointly in accordance with the Order and S101 (5) Local Government Act 1972.
- 7.5 The grant funding will be administered in line with the Subsidy Control Act 2022 and where applicable the Public Contracts Regulations 2015.

## **8.0 EQUALITIES IMPLICATIONS**

- 8.1 Consideration has been given to the potential for any adverse equality impacts arising from this decision (see Appendix B). Awarding contracts to deliver the BSIP3 grant will enable the release of £3.5m funding to operators to improve local bus services local bus services which are often relied on by older, disabled or lower income groups.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

- 9.1 Consideration has been given to the potential for any adverse climate impacts arising from this decision and a Climate Change Impact Assessment (CCIA) has been undertaken. (Appendix C). Improving local bus services will support travel by more sustainable modes and reduce greenhouse gas emissions from transport by reducing private car journeys. Improving local bus services will support a modal shift away from the car with associated positive climate impacts.

## **10.0 REASONS FOR RECOMMENDATIONS**

- 10.1 DfT has made £3.5m available to improve local bus services in North Yorkshire during 2024/25. Awarding the contracts will allow this new funding to be released to bus operators and therefore used to improve local bus services which will benefit residents across the county.

## **11.0 RECOMMENDATION(S)**

- 11.1 The Corporate Director - Environment is asked to consider the information in this report and
- i) accept the delegation of Local Transport Functions from the York and North Yorkshire Combined Authority and enter into the associated Agreement;
  - ii) approve the award of contracts and grants to deliver the BSIP3 improvement programme as agreed by Executive on 19 March 2024.

**APPENDICES:**

Appendix A – BSIP3 Scheme proposals as agreed by Executive 19 March 2024

Appendix B – Equalities Impact Assessment

Appendix C – Climate Change Impact Assessment

Appendix D – BSIP Memorandum of Understanding

**BACKGROUND DOCUMENTS:** None

Karl Battersby  
Corporate Director – Environment  
County Hall  
Northallerton

Report Author – Andy Clarke, Public and Community Transport Manager  
Presenter of Report – Paul Thompson, Assistant Director - Integrated Passenger Transport

Appendix A

DfT category	Proposed improvement	route	Route description	estimated funding
bus service support	Enhancements to weekday timetables, including improved frequencies and additional early morning, peak time, evening or shopper journeys	Service 10	Scarborough - Scarborough, Hospital - Westborough - Eastfield - Cayton	£2,127,000
		Service 128	Scarborough - Crossgates - Seamer Roundabout - East Ayton - West Ayton - Hutton Buscel - Wykeham - Brompton by Sawdon - Snainton - Ebberston - Allerston - Wilton - Thornton le Dale - Pickering - Middleton - Wrelton - Sinnington - Kirkbymoorside - Wombleton - Nawton - Helmsley	
		Service 13	Scarborough - Osgodby Hill Top - Cayton Bay Holiday Camp - Eastfield - Cayton - Lebberton - Crows Nest / Flower of May - Blue Dolphin Holiday Village - Gristhorpe - Filey - Muston - Hunmanby - Primrose Valley Holiday Village - Reighton Sands Holiday Village - Reighton - Bridlington	
		Service 164	Selby - Selby College - Thorpe Willoughby - Monk Fryston - South Milford - Sherburn in Elmet - Micklefield - East Garforth - Colton - Killingbeck - Leeds	
		Service 175	Malton - Swinton - Amotherby - Great Habton - Kirby Misperton - Little Barugh - Great Barugh - Brawby - Salton - Normanby - Marton - Pickering	
		Service 20	Scarborough - Queen Street - Westborough - Scarborough Rail Station - Evelyn Drive - Stepney Ave	
		Service 21 22	Knaresborough - Scotton - Farnham - Ferrensby - Arkendale - Staveley - Copgrove - Burton Leonard - Bishop Monkton - Littlethorpe - Ripon - Ripon Schools - Sharow - Copt Hewick - Marton-le-Moor - Dishforth Airfield - Kirby Hill - Skelton-on-Ure - Boroughbridge - Aldborough - Grafton - Marton - Great Ouseburn - Little Ouseburn - Whixley - Green Hammerton - Kirk Hammerton - Hessay - York	
		Service 30	Thirsk - Sowerby - Thormanby - Raskelf - Easingwold	

**Appendix A**

		Service 42	Selby - Wistow - Cawood - Kelfield - Stillingfleet - Naburn - Fulford - York	
		service 476	Selby - Selby College - Brayton - Hensall - Hut Green - Whitley - Kellington - Beal - Kellingley - Ferrybridge - Knottingley - Pontefract	
		Service 70	Ripon - Sharow - Dishforth - Asenby - Topcliffe - Alanbrooke Barracks - Busby Stoop - Carlton Miniott - Thirsk - South Kilvington - Thornton le Street - Thornton le Beans lane end - Northallerton	
		Service 8	Scarborough - St Thomas Street - Westborough - Briercliffe - Queen Street	
		Service 840/843 Coastliner	Leeds - Seacroft - Tadcaster - Copmanthorpe - York College - York - Heworth - Stockton-on-the-Forest - Barton Hill - Malton - Scagglethorpe - Rillington - Sherburn - Staxton - Seamer - Scarborough - Alpamare Water Park - Eden Camp - Flamingo Land - Kirby Misperton - Pickering - Thornton le Dale - Lockton Lane End - Goathland - Sleights - Ruswarp - Whitby	
		Service X26/27	Catterick Marne Barracks - Catterick Village - Scotton - Hipswell - Colburn - Catterick Garrison - Richmond - Skeeby - Middleton Tyas - Barton - Darlington	
		Service 1	Harrogate - Aspin - Carmires - Starbeck - The Pastures - Knaresborough	
		Skipton town and village services	Skipton- Embsay - Horse Close - Carleton	
		Selby - Tadcaster	Tadcaster - Stutton - Towton - Saxton - Barkston Ash - Church Fenton - Little Fenton - Biggin - Selby	
bus service support	Additional Saturday journeys	Service 155	Bedale - Crakehall - Patrick Brompton - Hunton - Constable Burton - Newton le Willows - Finghall - Spennithorne - Harmby - Leyburn	£127,000
		Service 18	Stokesley - Great Ayton - Newton Under Roseberry - Guisborough	
		Service 184/5	Westow - Howsham - Barton le Willows - Harton - Leppington - Acklam - Leavening - Burythorpe - Kenythythorpe - Langton - Birdsall - Malton - Firby road end - Kirkham	

**Appendix A**

		Service 412	Wetherby - Thorp Arch - Bickerton - Bickerton lane end - Tockwith - Long Marston - Rufforth - Knapton - York	
		Skipton town and village services	Skipton- Embsay - Horse Close - Carleton	
bus service support	Additional Sunday & Bank Holiday journeys	Service 10	Scarborough - Scarborough, Hospital - Westborough - Eastfield - Cayton	£220,000
		Service 30	Thirsk - Sowerby - Bagby lane end - Birdforth - Thormanby - Raskelf - Easingwold - Alne - Tol lerton - Shipton - Skelton - Clifton - York	
		Service 128	Scarborough - Crossgates - Seamer Roundabout - East Ayton - West Ayton - Hutton Buscel - Wykeham - Brompton by Sawdon - Snainton - Ebberston - Allerston - Wilton – Thornton le Dale – Pickering – Middleton – Wrelton – Sinnington - Kirkbymoorside - Wombledon - Nawton - Helmsley	
		rural services in the Dales	<a href="http://dalesbus.org">All Year Buses (dalesbus.org)</a>	
		rural services across NY Moors	<a href="#">Timetables - Moorsbus</a>	
fares support	£1 maximum fare for under 16 year olds and 16-19 year olds	countywide		£715,000
	£1 flat fare after 7pm	Harrogate & Knaresborough services		
other infrastructure	Maintaining and replacing bus stop infrastructure, additional cleaning and improvements to bus service information	countywide		£76,000
	Repair and refresh Ripon bus station waiting facilities	Ripon		
other	Provision of additional customer facing staff at busier bus stations to improve information provision and speed up	Harrogate & Scarborough		£158,000

**Appendix A**

	boarding times for customers			
Marketing	Improvements to web based service information, updated countywide bus map and additional promotion focused on service enhancements and fares promotions	Website		£77,000
	promotion of leisure services to moors and dales including timetable leaflets	Dales & Moors		
Total				£3,500,000



<b>Initial equality impact assessment screening form</b> This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
<b>Directorate</b>	Environment		
<b>Service area</b>	Integrated Passenger Transport		
<b>Proposal being screened</b>	BSIP3 Delivery Programme Award of Contracts		
<b>Officer(s) carrying out screening</b>	Kate Stapleton		
<b>What are you proposing to do?</b>	To approve the award of contracts to deliver the BSIP3 improvement programme agreed by Executive on 19 March 2024.		
<b>Why are you proposing this? What are the desired outcomes?</b>	Awarding the contracts will enable us to deliver the BSIP3 improvement programme and will allow us to spend the £3.5m funding allocated. This will bring benefits for bus passengers including groups with protected characteristics.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	No		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</b> As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.</b>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	
<b>Does the proposal relate to an area where there are known</b>	Awarding the contracts will release additional funding to support local bus services which are		

## Appendix B

<b>inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	often relied on by older, disabled or lower income groups.			
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	no			
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	<input type="checkbox"/>	Continue to full EIA:	<input type="checkbox"/>
<b>Reason for decision</b>	Awarding the contracts to deliver the BSIP3 programme will release additional funding for public transport. This will bring benefits for bus passengers including groups with protected characteristics.			
<b>Signed (Assistant Director or equivalent)</b>	Paul Thompson			
<b>Date</b>				

## Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision-making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance, please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	BSIP3 Delivery Programme Award of Contracts
<b>Brief description of proposal</b>	To approve the award of contracts to deliver the BSIP3 bus improvement programme agreed by Executive on 19 March 2024.
<b>Directorate</b>	Environment
<b>Service area</b>	Integrated Passenger Transport
<b>Lead officer</b>	Andy Clarke
<b>Names and roles of other people involved in carrying out the impact assessment</b>	Kate Stapleton
<b>Date impact assessment started</b>	8 July 2024

**Options appraisal**

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

Awarding the contracts to deliver the BSIP3 funding improvements supports a modal shift from private car usage, resulting in positive climate impacts. Failing to award the contracts would result in NYC missing out on the £3.5m in Network North funding for bus service improvement. Consequently, NYC would lose the opportunity to enhance public transport for residents and potentially prejudice future Government grant funding.

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Awarding the contracts for the BSIP3 delivery will enable the £3.5m of DfT funding that is allocated to NYC for local bus service improvements to be spent.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>	<p>X</p>			<p>Improving bus services encourages modal shift from the private car which reduces emissions.</p>	<p>A number of the routes will be operated by electric buses by summer 2024 which further supports a reduction in travel emissions.</p>	<p>Strengthening bus services increases passenger numbers, which in turn increases the likelihood of further investment in bus service provision and lower / zero emission vehicles.</p>
	<p>Emissions from construction</p>		<p>X</p>		<p>No impact anticipated</p>		
	<p>Emissions from running of buildings</p>		<p>X</p>		<p>No impact anticipated</p>		
	<p>Other</p>						

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<b>Positive impact</b> (Place a X in the box below where	<b>No impact</b> (Place a X in the box below where	<b>Negative impact</b> (Place a X in the box below where	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		X		No impact anticipated		
Reduce <b>water</b> consumption		X		No impact anticipated		
Minimise <b>pollution</b> (including air, land, water, light and noise)		X		No impact anticipated		
Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		X		No impact anticipated		
Enhance <b>conservation</b> and wildlife		X		No impact anticipated		
Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b>		X		No impact anticipated		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Other (please state below)</p>		<p>X</p>		<p>No impact anticipated</p>		

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

N/A

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Improving local bus services will support travel by more sustainable modes and lower greenhouse gas emissions from transport by reducing private car journeys. Improving local bus services will support a modal shift away from the car with associated positive climate impacts.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	Andy Clarke
<b>Job title</b>	Public & Community Transport Manager
<b>Service area</b>	Integrated Passenger Transport
<b>Directorate</b>	Business and Environmental Services
<b>Signature</b>	
<b>Completion date</b>	12/7/24

**Authorised by relevant Assistant Director (signature): Paul Thompson**

**Date:**



## MEMORANDUM OF UNDERSTANDING

**Between**

**Department for Transport**

**-and-**

**North Yorkshire Council**

### 1.0 Purpose

1.1 This Memorandum of Understanding ('MOU') sets out the terms, principles and practices that will apply to the working relationship between the Department for Transport ("the Department") and North Yorkshire Council ('the Authority')(collectively 'the Parties') regarding the administration and spending of their Bus Service Improvement Plan plus (BSIP+) funding allocation.

### 2.0 Background

2.1 On 18 May 2023, the Department confirmed funding for the Authority as part of the Bus Service Improvement Plan plus (BSIP+) announcement.

2.2 This MOU covers the funding commitments from the Department and the delivery, financial expenditure, agreed milestones, reporting and evaluation, communication and branding expectations between the Parties.

### 3.0 Purpose of Funding

3.1 The Department agrees to provide funding of up to £ 2,927,376. The allocation is set out in the following table:

	<b>RDEL allocation</b>
<b>2023/24</b>	£ 1,463,688
<b>2024/25</b>	£ 1,463,688
<b>Total</b>	£ 2,927,376

3.2 The Authority may use the funding to target it on the actions that they – and local operators through their Enhanced Partnership (where relevant) – believe will deliver the best overall outcomes in growing long term patronage, revenues and thus maintaining service levels, whilst maintaining essential social and economic connectivity for local communities. In some places that may involve ensuring existing connections are maintained (either by conventional services or DRT). Elsewhere it might be achieved through increasing the frequency on key corridors or the operating hours of some services whilst reducing others; or reducing fares or introducing new local concessions to open up new markets and revenue.

- 3.3 The funding must be spent on bus measures. It cannot be used for measures that primarily benefit other modes of transport, with secondary benefits for buses (e.g. road maintenance).
- 3.4 We expect you to use the funding to maintain existing service levels or on measures that are consistent with Departmental guidance on [Bus Service Improvement Plans \(BSIPs\)](#), bearing in mind that we have changed the BSIP rules, enabling BSIP and BSIP+ allocations to be used for supporting existing services, as set out in the 17 May announcement. Funding decisions should be based on local circumstances and need. The Authority can enhance the frequency of existing services, expand routes or provide new services using this funding.
- 3.5 Other interventions, such as ambitious new fares initiatives, that can make the experience for non-users and existing passengers demonstrably better can be funded through the BSIP+ allocation.
- 3.6 The funding should not be used to support generic marketing or advertising costs that are not directly related to specific improvements (such as a fares change, or new services). We would expect bus operators to fund routine marketing costs.

### **4.0 Statutory Arrangements**

- 4.1 The Authority must make an Enhanced Partnership (EP) or be in the process of franchising, in order for the full funding amount to be released. The Department will release 50% of the 2023/24 funding in paragraph 3.1 upfront, and the remaining 50% once the EP has been made (where relevant). If an EP is already in place, or the LTA is following the statutory process for franchising, then the full allocation will be released.
- 4.2 Schemes provided for by this funding should be included in the Authority's Enhanced Partnership (EP) scheme, EP scheme variation, or franchising delivery plan - all requirements of the EP/franchising plan would then apply.

### **5.0 MOU Conditions**

- 5.1 Should the conditions of this MOU not be met, the Department will review whether it is appropriate to, by notification in writing to the Authority, require the repayment of the whole or any part of the grant. The Department also reserves the right to:
- i. Reduce, suspend or withhold BSIP+ grant funding should delivery not progress as agreed in documentation relating to other grants provisionally awarded by the Department to the Authority.
  - ii. Reduce, suspend or withhold grant funding from other grants provisionally awarded by the Department to the Authority, should, the conditions of this MOU not be met.

### **6.0 Financial Arrangements**

- 6.1 The agreed funds will be issued to the Authority as non-ringfenced grant payments under Section 31 of the Local Government Act.

- 6.2 The Authority accepts responsibility for meeting any costs over and above the Department's contribution set out in Clause 3.1, including potential cost overruns and the underwriting of any funding contributions expected from third parties.
- 6.3 The Department expects the grant funding to be spent within a reasonable timeframe and outputs delivered within 12 months of funding receipt.

### **7.0 Assurance, Monitoring and Evaluation**

- 7.1 The Authority will collaborate with the Department over assurance requirements, which will include the Section 151 Officer using the template provided to give a written confirmation that the project/s represents value for money to the Department. The Authority will also collaborate with the Department and/or its contractors who reserve the right to seek further assurances and monitoring data. The Department shall assist the Authority where possible, and the Parties will work together to satisfy these requirements.
- 7.2 The Authority will publish and submit an end-of-year report to the Department detailing how the funding has been used in a format specified by the Department. It is important that the public can view how taxpayer funding is being spent.

### **8.0 Value for Money**

- 8.1 The value for money of all individual investments should be considered through the Authority's governance frameworks in the usual way – with confirmation sent to the department by the s151 officer that this funding represents value for money.

### **9.0 Adherence to national guidance**

- 9.1 The Authority is expected to follow relevant national guidance in the course of scheme development and implementation.

### **10.0 Changes to approved project/programme**

- 10.1 The Authority will comply with the terms of this MOU. Any request to deviate from these terms must be made in writing to the Department.

### **11.0 Compliance**

- 11.1 The Authority will comply with all applicable procurement laws when procuring goods and services in connection with the Project and the Department shall not be liable for the Authority's failure to comply with its obligations under any applicable procurement laws.
- 11.2 The Authority will ensure that its use of the funding complies with State Aid laws, the UK's international obligations in relation to subsidy control and any UK subsidy control legislation.
- 11.3 The Authority will maintain appropriate records of compliance with the relevant subsidy control regime and will take all reasonable steps to assist the Department to comply with the same and respond to any proceedings or investigation(s) into the use of the funding by any relevant court or tribunal of relevant jurisdiction or regulatory body.

- 11.4 The Authority acknowledges and represents that the funding is being awarded on the basis that the use of the grant will not affect trade in goods and electricity between Northern Ireland and the European Union and shall ensure that the funding is not used in a way that affects any such trade.
- 11.5 The Secretary of State may require repayment of any of the grant already paid, together with interest from the date of payment, if the Secretary of State is required to do so as a result of a decision of a court, tribunal or independent body or authority of competent jurisdiction.
- 11.6 The Authority will ensure they comply with the 2010 Equality Act and the Public Sector Equality Duty. This includes considering impacts of the project on protected characteristic groups during the scheme design process and in the monitoring and evaluation stage.

### 12.0 **Branding and Communication**

- 12.1 The Authority shall at all times during and following the end of the Funding Period:
- i) comply with requirements of the Branding Manual in relation to the Funded Activities
  - ii) cease use of the Funded by UK Government logo on demand if directed to do so.
- 12.2 Branding Manual refers to the HM Government of the United Kingdom of Great Britain and Northern Ireland 'Funded by UK Government branding manual' first published by the Cabinet Office in November 2022 and is available at <https://gcs.civilservice.gov.uk/guidance/marketing/brandingguidelines/> including any subsequent updates from time to time
- 12.3 Whilst there are important benefits of local brands for transport services - including promoting local identity, loyalty and accountability - to emphasise the role played by government funding, the Authority must also prominently co-brand any vehicles, signage, websites and all public-facing printed material. Media announcements and releases about improvements funded or part-funded by this money must also be co-branded, must prominently acknowledge the role played by HMG funding and offer HMG the opportunity in good time to include a comment. Failure to do so may result in funding being reduced or reclaimed as set out at paragraph 5.1 above.

### 13.0 **Bus Connectivity Assessments**

- 13.1 LTAs will also be expected to comply with the Bus Connectivity Assessments coordinated by DFT, at regular intervals. We expect submission of the Bus Connectivity Assessments to the Department for Transport to be required at dates to be specified.
- 13.2 As part of this process, Operators and LTAs will be expected to report on a range of issues, including but not limited to:
- i) Connectivity;
  - ii) Patronage;
  - iii) Types of Service;
  - iv) Innovation;
  - v) Funding.

- 13.3. Bus Connectivity Assessments will require comprehensive responses, and the Department for Transport reserve the right to ask for further evidence if deemed necessary and appropriate.
- 13.4. The Department for Transport reserve the right to change the regularity of Bus Connectivity Assessments at any point.

### **14.0 Other conditions**

- 14.1 The Authority and any Travel Concession Authority within its boundaries must maintain their bus budgets from all sources. This must demonstrate that BSIP+ funding is additional to previously agreed council budgets. To be eligible for future funding including 2024/25 BSIP+ funding, the overall authority bus budget must be maintained at least at the same level. If concessionary travel reimbursements are reduced, the corresponding budget must be reinvested into other bus measures (e.g. tendered services).
- 14.2 The Authority and any Travel Concession Authority within its boundaries will commit (including in their Enhanced Partnership where relevant) to work with operators to promote the England National Travel Concessionary Scheme (ENCTS) and to proactively inform local residents when they become aware that they are eligible for such a concession. They will ensure that it is easy to apply for. Unless there are exceptional circumstances, any existing “no marketing” clauses in concessionary travel funding agreements will be removed by 1 April 2024.
- 14.3 Demand responsive transport (DRT) services provided under this funding and replacing existing bus services should offer a concession to ENCTS passholders, between 09:30 to 23:00 on weekdays and at all times on Saturdays, Sundays and bank holidays. Where DRT is planned, clear arrangements shall be in place to ensure a high standard of integration with other services and a clear timeline for delivery, with particular regard to elements such as continuity of service, accessibility, safety and fare levels.

### **15.0 Compliance with the MOU**

- 15.1 The Parties to this MOU are responsible for ensuring that they have the necessary systems and appropriate resources in place within their respective organisations to comply fully with the requirements of this MOU.

### **16.0 Legal Enforcement**

- 16.1 This MOU is not legally enforceable. It describes the understanding between both parties for the use of funding specified in Clause 3 of this agreement.

**Signed on Behalf of the Authority:** Corporate Director, Resources / s151 Officer

Name: Gary Fielding  
Date: 29 September 2023

**Signed on Behalf of the Department (Deputy Director)**