



CABINET – 10 FEBRUARY 2023

PASSENGER TRANSPORT POLICY AND STRATEGY

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

PART A

Purpose of the Report

1. The purpose of this report is to advise the Cabinet of the recommencement of the review of all the Council's supported passenger transport services against the Passenger Transport Policy and Strategy (PTPS), following a necessary pause whilst service use was affected by the Covid-19 pandemic. The report also seeks the Cabinet's approval of the planned programme of local focussed engagement and or consultation with affected communities ahead of implementation of the review outcomes.

Recommendations

2. It is recommended that:
 - a) The recommencement of the review of all supported passenger transport services in line with the Council's Passenger Transport Policy and Strategy be noted;
 - b) The proposed programme of local focussed engagement and consultation to inform affected communities on the review outcomes and intended course of action as set out in paragraphs 58 to 66 of the report, be approved;
 - c) That it be noted that the Director of Environment and Transport, following consultation with the Cabinet Lead Member, will exercise existing delegated authority to implement the outcome of the service reviews.

Reasons for Recommendations

3. The PTPS was adopted in October 2018 to ensure the delivery of value for money passenger transport services and to provide a robust and transparent framework for determining decisions on the provision of passenger transport services. In accordance with the PTPS Operational Handbook a programme of service reviews as set out in the 16 October 2018 Cabinet report commenced in December 2018, however, it was then paused in March 2020 due to the

onset of the Covid-19 pandemic and the significant impacts it had on patronage and service operations.

4. The recommencement of the PTPS reviews of all supported bus services as listed in Appendix A, began in September 2022. These reviews are being undertaken in four batches, the first of which is nearing completion and is likely to result in changes to these services, including the likely withdrawal of some of them.
5. The outcome of these PTPS reviews against such a challenging financial backdrop will impact the levels of public transport in local communities, therefore, to ensure that service users are made aware of the future changes to supported bus services in their area, it is proposed that a number of route focused community engagement events and where necessary consultation will be undertaken during 2023.
6. Following the above, the Director of Environment and Transport, following consultation with the Cabinet Lead Member for Highways and Transport, will implement the necessary changes to services in line with delegations approved by the Cabinet in October 2018.

Timetable for Decisions (including Scrutiny)

7. Subject to the Cabinet's approval, a programme of focused local community engagement events and where necessary consultation on the PTPS review outcomes will be held during Spring/Summer 2023 with the implementation of the outcomes for the first batch of services being in place in Autumn 2023.

Policy Framework and Previous Decisions

8. On 9 March 2018 the Cabinet considered a report concerning the need to develop a PTPS to replace the existing 'Revised Policy on the Supported Bus Network' and the outcome of a review of Community Bus Partnerships and the extension of contracts to June 2019. The Cabinet gave approval to undertake an engagement and consultation exercise on the draft PTPS.
9. On 16 October 2018 the Cabinet considered a report on the outcome of consultation on the draft PTPS and approved the PTPS as the basis for future management of passenger transport services. Authorisation was also given to the Director of Environment and Transport, following consultation with the Cabinet Lead Member for Environment and Transport, to implement the PTPS Operational Handbook.
10. In June 2021 the Cabinet considered a report on the National Bus Strategy (NBS) and noted that a further report would be submitted to the Cabinet in Autumn 2021, setting out proposals for an Enhanced Partnership Scheme (EPS) and BSIP for Leicestershire, and identifying any implications for the Authority's previously adopted PTPS.

11. In October 2021 the Cabinet considered a report on the implementation of the NBS, setting out the implications for finances and the Authority's adopted PTPS. It resolved that the Council's PTPS be reviewed, to take account of the formal establishment of the Enhanced Partnership (EP) and the delivery of the BSIP. The Director of Environment and Transport emphasised that the extent of delivery of the ambitious plans would be dependent on the level of Government funding available and added that the existing PTPS would be used to assess the need for support where bus services were no longer commercially viable.
12. In March 2022 the Cabinet noted the outcome of a consultation on the EPS. It approved the establishment of the EPS with bus service operators and resolved that registrations for local bus service changes and requests for funding to support local bus services continue to be assessed in line with the PTPS, pending a review of the PTPS once the EP was in place.
13. In March 2022 the Cabinet also considered a report on Local Bus Service Challenges and Impacts, including a review of the PTPS to establish if it was still fit for purpose, and a wider network review of its contracted services. The BSIP set out that the PTPS would be reviewed in full, once the BSIP and EPS had been developed, to ensure that full alignment was achieved. This review was undertaken in May 2022 the outcome of which is detailed in Part B of the report. The Cabinet authorised the Director of Environment and Transport, following consultation with the Cabinet Lead Member for Highways, Transportation and Flooding and Director of Corporate Resources, to take such action as necessary to ensure the continued provision of services in line with the PTPS.

Resource Implications

14. In March 2022 the Government confirmed that the Covid-19 bus recovery funding would come to an end in October 2022, along with its request for Local Transport Authorities to move away from 100% pre-Covid concessionary travel reimbursements. This came at a time when the bus market continued to be volatile and pressurised, which was further compounded by the cost of living crisis, driver shortages, rising fuel costs and low passenger confidence. In response, operators were making moves and planning to withdraw services. Existing subsidised service contracts were therefore retendered on a like for like basis.
15. The uncertainty and delivery challenges meant contract costs increased significantly and whilst the Government later confirmed further bus recovery grant funding until March 2023, which would ease the pressure, a budget deficit of approximately £1m is estimated going into the 2023/24 financial year when that recovery funding comes to an end. While it is understood the Government is considering allocating further support funding to the bus industry in the financial year 2023/24, at present, there has not been confirmation or any detail on this. The Government's announcement that the Council would receive no BSIP funding also limited the Council's ability to manage this deficit. These PTPS reviews of all the Council supported services therefore aim to manage

this shortfall and bring expenditure within the 2023/24 local bus service baseline budget.

16. The current financial position with regard to the Council's subsidised bus services is that inflated contract costs will result in a budget deficit of approximately £1m going into the 2023/24 financial year. This is due to a combination of the following impacts:
 - a) the significant and continued reduction of bus patronage as a result of the Covid-19 pandemic;
 - b) as well as fuel increases and driver shortages affecting bus services,
 - c) and the Government's decision not to provide any funding in the March 2022/23 funding round towards Leicestershire's Bus Service Improvement Plan (BSIP), inflated contract costs will result in a budget deficit of approximately £1m going into the 2023/24 financial year.
17. In addition, to needing to address this £1m overspend, subject to approval of the 2023-27 Medium Term Financial Strategy (MTFS), a savings target of £200,000 on the existing budget is anticipated to be required, due to wider budgetary pressures on the Authority
18. Due to wider authority budget pressures, a saving target on the baseline budget of £200,000 is proposed. This is to be subject to consultation as part of the 2023-27 MTFS proposals. The final draft MTFS will be presented to the Cabinet on 10 February 2023 and to the County Council on 22 February 2023 for approval.
19. Overall, the service reviews will need to realise an expenditure reduction of around £1.2m in order to bring expenditure in line with the baseline budget and then achieve the proposed MTFS saving target.
20. It is expected that the majority of this reduction will be made within the 2023/24 financial year, but it is likely that this will span into the early part of the 2024/25 financial year due to the time required to allow for community engagement to take place, including allowing service users adequate time to be made aware of the changes, and to implement the service changes and necessary contract terminations. Aligning these service changes with the six annual service change dates agreed with the EP will also determine delivery timescales.

Legal Implications

21. The Director of Law and Governance and the Director of Corporate Resources have been consulted on the content of this report.
22. The Council's legal duty regarding subsidised bus services is set out in Part B of the report.

Circulation under the Local Issues Alert Procedure

23. This report will be circulated to all members.

Officers to Contact**Ann Carruthers**

Director, Environment and Transport

Tel: 0116 305 7000

Email: ann.carruthers@leics.gov.uk

Janna Walker

Assistant Director Development and Growth, Environment and Transport

Tel: 0116 305 0785

Email: janna.walker@leics.gov.uk

PART B

Background

24. The Passenger Transport Policy and Strategy (PTPS) was adopted in October 2018, following a countywide online and face-to-face public and stakeholder consultation, which was undertaken between 21 March and 13 June 2018.
25. The adoption of the PTPS put in place a clear and transparent approach through which the Authority would continue to provide value for money financial support to passenger transport services (unlike some authorities elsewhere in the Country who have withdrawn support) while endeavouring to ensure access to important services and facilities (primary health care, food shopping) for Leicestershire residents. Priority is therefore given to trying to ensure that as many Leicestershire residents as possible are able to reach a local centre at least once per week to access these important services.
26. It also provided the Council with a mandate to review each of its supported local bus services against the objective PTPS assessment system, engage on the intended course of action for each service and implement the changes to ensure that the services provided were fit for purpose and were achieving best possible value for money.
27. The policy considers support for services between 07:00 and 19:00 Monday to Friday and between 08:00 and 18:00 on Saturday. There are three indicators under the PTPS that services are assessed against:
 - a) Net subsidy cost per passenger km.
 - b) Number of Leicestershire residents within the bus service's catchment area who don't have access to another direct service to a local centre by other means (e.g., a commercial bus or train service stopping within 800m of their home), and who aren't within reasonable walking distance (800m) of a local centre.
 - c) Journey purposes served.
28. The PTPS reviews of all the Council's supported bus services commenced in December 2018. However, due to the unexpected onset of the Covid-19 pandemic and subsequent lockdowns, the reviews were paused and all contracts, with many due to expire, were extended until 31 March 2022.
29. The Medium-Term Financial Strategy (MTFS) 2018/19 to 2021/22 included a £400,000 saving arising from the implementation of PTPS. However, due to the pause in the review process in 2020 as well as further supported services coming online following commercial service withdrawals, only partial savings were achieved.
30. The onset of the Covid-19 pandemic in March 2020 resulted in a significant impact to the bus market across the Country with a 90-100% reduction in patronage with recovery since being slow. To support and aid recovery of the

bus market, the Government provided a Covid Bus Service Support Grant, which subsequently changed to a Bus Recovery Grant.

31. On 1 March 2022, the Government confirmed that a final tranche of post-pandemic support would be made available from 5 April until 31 October 2022. The Government also asked Local Transport Authorities to start gradually reducing concessionary travel reimbursement payments from April 2022, moving away from the 100% pre-Covid-19 levels payments they were making.
32. During this time, bus operators were experiencing driver shortages due to increased demand and more competitive salaries in the HGV sector and rising fuel costs, compounded by the war in Ukraine. Passenger confidence also continued to be low, which was exacerbated by the Omicron variant, poor reliability of some services and the cost of living crisis, all affecting patronage.
33. As a result of this challenging operating environment, some bus operators gave notice on their contracts and others were starting to confirm plans to change and/or withdraw/reduce their services. On 29 March 2022, the Cabinet authorised the Director of Environment and Transport, in consultation with the Cabinet Lead Member for Highways, Transportation and Flooding and Director of Corporate Resources, to extend (where procurement rules allowed) and/or to retender existing supported bus service contracts on a like for like basis for two years (with an option to extend for one year).
34. New contracts were awarded from 1 August 2022, providing some stability to the market and service users, and also allowing sufficient time for service reviews to take place to bring expenditure in line with budgets. However, this retendering exercise did lead to further inflated costs.
35. The Government has since confirmed a further tranche of recovery grant funding for Local Transport Authorities and bus operators up to the end of March 2023, which will help to ease the budgetary pressure of these inflated contract costs during this financial year. However, when this grant funding comes to an end, there will be a budget deficit of approximately £1m going into 2023/24. The Government has not yet confirmed any further support funding post-March 2023.
36. Unfortunately, despite meeting the challenging timeline set by the Government to develop and publish a Bus Service Improvement Plan (BSIP), and develop and enter into an Enhanced Partnership (EP) with bus operators, the Council received no funding in the 2022/23 BSIP funding round and this, along with the inflated costs above, has only compounded the financial pressure on the Council and its already stretched budget for passenger transport.
37. The Council has sought feedback from the Department for Transport on the reasons why it received no funding for its BSIP. In response, a BSIP relationship officer was allocated to work with the Council on its BSIP and to put it in the best position to be successful in being awarded funding during any future BSIP funding rounds. The Council aims to refresh the BSIP by its October annual review date this year.

38. In the March 2022 a commitment was made to the Cabinet to review the PTPS to establish if it was still fit for purpose and aligned with the Council's BSIP, which was published in October 2021 and EP, which came into operation in April 2022. A commitment to undertake a wider review of the Council's contracted services was also made.
39. An independent review of the PTPS was undertaken by consultants ITP and a technical note was produced (see Appendix C), which concluded that the PTPS was generally compatible with the BSIP and EP. As a result no changes were made to the documents.
40. The PTPS review of the Council's supported passenger transport services resumed in September 2022, with services allocated into one of four locality based review batches for completion over the next 18 months.
41. All of the local bus service contracts are included within the review (see Appendix A) and there is a mix of fully subsidised and part subsidised services. It should be noted that due to continuing market conditions and sustained reduction of patronage compared to the pre-Covid-19 levels, further withdrawal of commercial services is a continued risk. Any such as yet unknown changes during the review period will be assessed in accordance with the PTPS and provision provided if appropriate, as is being undertaken for the service reviews set out in this report. Park and Ride services are not within scope of the PTPS.
42. All supported services will be taken through the objective PTPS assessment system as summarised in paragraphs 25 to 27 of this report and the outcomes of the service reviews will result in one of three actions being undertaken:
 - a) Maintain subsidy support and retain the existing bus service in its current form;
 - b) Revise the existing service or network e.g. change of routeing, frequency or days of operation, redesign of network;
 - c) Withdraw subsidy for existing service. This will mean the loss of the service if the bus operator cannot afford to continue to provide it when Council subsidy is removed. If the service is withdrawn, the Council will either:
 - i. Ensure a Demand Responsive Transport (DRT) service is provided, if there is no alternative access to transport services or a local centre for high priority journey needs within 800m; or
 - ii. Do nothing where communities still have access to other bus services or a local centre i.e., they are within 800m of another service or local centre.
43. In addition to the review of all the Council's supported services, the Council will also be reviewing its DRT services. Many have been in place for a number of years. The review will determine if they are still fit for purpose and, more importantly, in line with the PTPS. Where necessary, they will be redesigned to better reflect demand and the PTPS.

Legal Implications

44. A decision to alter or reduce the transport services funded by the Council, inevitably creates some risk of a public law challenge generally in the form of a Judicial Review which is a challenge typically brought on one or more of three grounds: (a) illegality¹, (b) irrationality², or (c) unfairness³.

Legality

45. The County Council has a statutory duty⁴ to secure the provision of local transport solutions which the private sector is unable or unwilling to provide. The Council also has other statutory duties which touch upon the provision of public transport⁵. However, the Council's duty under the Transport Act 1985 is not absolute. Rather the duty simply requires transport provision so far as the Council considers is appropriate to meet any public transport requirements which would not otherwise be met.
46. Although risk can never be eliminated, this is mitigated by the Council's willingness to provide DRT solutions in substitution of more expensive bus transport. As a matter of general principle, it is not unlawful to favour DRT over scheduled bus services. This is because the statutory duty is not a duty to provide subsidies. Rather the duty is to secure the provision of appropriate public transport services.
47. In addition, there is no expectation that a Council's transport policies should remain static. Section 109(1) of the Transport Act 2000 requires transport authorities to keep their local plan under review and alter it, if they consider it appropriate to do so.
48. Further, as a *best value authority*, the Council is under a statutory duty⁶ to secure continuous improvement in the way in which it exercises its functions, having regard to a combination of factors, including economy, efficiency, and effectiveness.

Rationality

49. The threshold for challenge on the grounds of irrationality is high and is not considered to be a significant risk.

Fairness

¹Examples of illegality can include: (i) If the public body acts in contravention of the law, (ii) If it misdirects itself in law, (iii) If it acts outside of its powers (iv) If it exercises powers for an improper purpose.

² Examples of irrationality can include: (i) If the decision is so unreasonable that no reasonable decision maker could have come to the same decision (ii) If the decision maker takes account of irrelevant matters (iii) if the decision is made in bad faith.

³ Examples of unfairness may include if there has been a failure or consult, give reasons or it is biased.

⁴ Section 63(1)(a) of the Transport act 1985.

⁵ Road Traffic Reduction Act 1997 (duty to prepare reports setting out targets to reduce congestion); Road Traffic Regulation Act 1997 (duty to exercise functions to secure the expenditure, convenient and safe movement of traffic) & Transport Act 2000 (duty to produce a local transport plan).

⁶ Section 3(1) of the Local Government Act 1999

50. A public law challenge can also be made based on substantive or procedural unfairness. Substantive unfairness arises if the outcome of the decision itself is regarded as unfair. Procedural fairness requires the process by which a decision is reached to be fair.

Consultation issues

51. The Council undertook a detailed consultation exercise regarding the future of public transport in 2018. Given the passage of time since the previous consultation exercise, the Council is proposing consultation / engagement with relevant stakeholders. Consideration has been given to whether it is desirable or necessary to refresh the full consultation exercise which was undertaken 2018 (i.e. on a County-wide basis rather than merely consulting with local stakeholders likely to be affected by service changes / reductions). Although some years have passed since the Council's 2018 consultation, public bodies are not ordinarily required to conduct a fresh consultation exercise unless there has been a material change in circumstances⁷.
52. The main challenges facing the Council in 2023 were similarly present in 2018 (including the potential need to reduce bus subsidies for financial reasons) and likewise, the Council was proposing similar solutions to mitigate risks (such as the use of DRT). Although the Council's financial challenges have increased since 2018, it is difficult to identify a material change which renders the previous consultation obsolete or misleading in its findings.
53. Although public authorities are not required to consult with the public over every decision they make, caselaw⁸ has established that a duty to consult may arise in a number of situations⁹. Materially, a duty to consult can arise if a public body promises it will consult or if it would be conspicuously unfair not to do so.
54. In 2018 the Council agreed to engage and or consult with local people before bringing about changes such as cutting local bus routes. As indicated above, the Council expects to proceed on this basis. More generally as regards the concept of fairness, it seems reasonable to consult with people / communities who are most likely to be adversely affected by service provision changes.
55. A full refresh of the 2018 consultation is not required but there will be an expectation of local engagement and or consultation.
56. Ordinarily here a party engages in consultation, the Courts do expect certain minimum standards to be achieved. In essence, officers will need to consult in a timely manner, provide information to affected local people and allow them time to reflect on that information.

⁷ See: - R (Smith) v East Kent Hospital NHS Trust [2002] EWHC 2640

⁸ R (on the application of Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662

⁹ The circumstances include: (i) where there is a statutory duty to consult; (ii) where there has been a promise to consult (iii) where there has been an established practice of consultation and (iv) where a failure to consult would lead to conspicuous unfairness.

57. Officers will also need to carefully take into account the views provided by local people before implementing changes. This may necessitate considering the provision of any additional services (e.g. DRT) or rescheduling those services or otherwise making services more accessible.

Local focused engagement and consultation

58. It is intended to start a rolling programme of local focused engagement and/or consultation (where relevant) with affected communities in Spring/Summer 2023. The key purpose of this will be to inform communities of the outcomes of the service reviews and the Council's intended course of action. Engagement will not be undertaken where no changes are to be made to the current service.
59. The Council will do this by hosting a number of local focused community engagement/events. To maximise the opportunity for people to attend these events, it is intended to host around two to three events at different points along each route or within the network area and to also hold them at different times. At these events officers will explain the reasons for the reviews, the review process and confirm the outcomes and action being taken as outlined in paragraph 42.
60. The events will be tailored to what the outcomes of the service review are and what the planned course of action is. There are a number of possible outcomes as detailed in paragraph 42 and the type of engagement and level of consultation for each one is broadly outlined below:
- a) Where the Council's subsidy for the current service is to be removed or reduced and the Council is not going to provide a replacement, because communities continue to have access to alternative bus services or a local centre, the Council will inform them of the Council's position and advise them of the alternative options available to them.
 - b) Where the Council's subsidy for the current service is to be removed or reduced but it leaves some communities without access to alternative services or a local centre, the Council will inform them of a replacement DRT it intends to provide for those communities. At the events communities will be consulted and have the opportunity to input into the design of that DRT e.g., feedback on the most suitable days and times of operation that best meet the demand for accessing those important services and facilities as outlined in the PTPS.
 - c) Where the Council is removing or reducing subsidy from a network of subsidised bus routes and redesigning that network, then communities will be presented with that planned revised network. They will be consulted and have the opportunity to comment and provide feedback on the revised network design, which will be considered and, where viable, reasonable and in accordance with the PTPS, minor adjustments can be made e.g., timetable adjustments, minor route adjustments etc.

61. The level of consultation at these events will be focused on the specific detail of any alternatives the Council is intending to provide. The review outcomes are not being consulted upon at these events. Communities will have the opportunity to comment on the outcomes and those comments/views will be logged.
62. At all of the events the Council will provide a community pack tailored to the above scenario outcomes, which will include details of alternative bus services available and of other travel options and initiatives that the community could consider to support themselves such as car share, social car schemes, walking/cycling routes etc.
63. Community Transport, a volunteer led scheme subsidised by the Council, will continue to be available for residents that are infirm and physically isolated and details of the local Community Transport provider and eligibility criteria will also be included in the community packs for all events.
64. A communication strategy will be developed to ensure communities are fully aware of the engagement events, any changes to their services and the timeline for any changes. This will include media releases, social media, notices on buses and bus stops, and updates/information on the Choose How You Move website.
65. Engagement with local elected members, bus operators, schools and other affected organisations will be undertaken throughout the review, engagement and implementation stages.
66. The rural transport challenge for the Council is fully recognised and through the EP and BSIP refresh work the Council will continue to explore innovative ways in which it can provide cost effective and beneficial rural transport for residents across Leicestershire. The recently launched app based FoxConnect DRT service, which the Council is piloting, is one example of this. All comments received at the community engagement events will be captured and used to help inform such potential rural transport solutions.

Equality Implications

67. An Equality and Human Rights Impact Assessment (EHRIA) report on the PTPS was completed in 2018, helping to inform its development. A copy of the EHRIA report was appended to the October 2018 Cabinet report.
68. The PTPS EHRIA report noted that the proposal to review public transport provision, including bus subsidies, DRT and Community Bus Partnerships, could have a disproportionate effect on some groups, such as rural communities, older people, people with limited mobility, people with a disability and young people.
69. The Council aimed to mitigate this by working with bus operators and communities to try and keep as much of the current provision as possible in operation. Where this was not possible, due to lack of use and financial

viability, it advised that it would work closely with stakeholders and the public to explore the possibility of alternative transport provision.

70. It noted that where a service was to be discontinued, then in line with policy, if any community would be left without access to an alternative service or local centre (over 800 metres walking distance away) to enable access to important services (food shopping, healthcare) then the Council would look to provide a DRT service. The Council would seek information from impacted communities to assist with the design of the most beneficial DRT that best met their important journey needs.
71. Whilst the existing EHIRA is considered to continue to reflect the impact of the outcome of the resumption of service reviews against the PTPS in 2023 a new Equality Impact Assessment (EIA) has been drafted to verify this (see Appendix B).
72. The draft EIA concludes that where some existing supported services are not likely to be supported and cease to operate, there will be a negative impact to individuals who use these services. It noted that there is a potential for this to disproportionately impact older people, people with disabilities, and people who live in isolated or employment deprived areas. However, it notes that while some services will no longer be supported and cease, where any residents are left without access to important services (food shopping, healthcare) the Council will ensure that replacement service provision is in place. Any replacement service will be designed with the needs of communities in mind, but within the requirements of the PTPS. For example, DRT services could be designed which coincide with market days in specific local centres to enable service users to travel at the times which are the most suited to them.
73. The planned focused local engagement and consultation events as set out in paragraphs 58 to 66 will be used as the forum for residents to feedback their views on the changes and input on the design of any replacement services.
74. Those residents that are older and physically disabled or isolated, in most cases will be eligible to use Community Transport as outlined in paragraph 62 and the details of the local providers will be included in the community pack that will be handed out to residents at the engagement events.

Public Sector Equality Duty

75. Decision makers evaluating whether to pursue the recommended option should have in mind the requirements of the 'public sector equality duty'.
76. Materially, the duty requires public bodies to have due regard to the need to eliminate discrimination and advance equality of opportunity as between groups of persons who share a relevant protected characteristic and persons who do not share such protected characteristics.

77. The legislation explains that advancing equality of opportunity includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic.
78. It is right to recognise that transport services are heavily utilised by persons with protected characteristics. A high number of bus users are elderly, disabled or female (*or they possess a combination of these characteristics*). Accordingly, changes to transport services may disproportionately affect groups with protected characteristics.
79. Undoubtedly, the objective of the Public Sector Equality Duty is to ensure that public bodies discharge their various functions in a manner which seeks to minimise discrimination and promote equality between different groups in society.
80. However, the public sector equality duty does not create an immutable rule that the Council should apply its resources in a particular manner or for the benefit of a particular group (*whether they have protected characteristics*). Rather the duty is to have “due regard” to the objectives set out in the legislation.
81. Decision makers should properly have due regard to the likely impacts of any reductions of transport services on protected groups. However, in this case the Council’s goal is broadly to allocate its finite resources towards delivering an efficient and cost effective bus service which meets its statutory responsibilities.
82. Decision makers may then be satisfied that although they have considered the likely impacts of the proposed option it is reasonable (*and not in contravention of the public sector equality duty*) to endorse the proposed actions.

Human Rights Implications

83. No human rights implications arising from the PTPS have been identified.

Environmental Implications

84. The development of the PTPS provided an opportunity to consider the impact of the policy and strategy on climate change, carbon emissions and congestion.
85. During its development, an environmental impact screening exercise was undertaken to assess potential impacts and mitigations through the completion of an Environmental Impact Tool and this was appended to the October 2018 Cabinet report.

Partnership Working and Associated Issues

86. The Council’s EP with bus operators was formally established in April 2022. The partnership has recently agreed set standard service changes dates; this will determine timescales for implementing service changes resulting from the PTPS reviews. The EP will be updated on the review outcomes accordingly.

87. An ongoing dialogue with bus operators will continue throughout the review process and programme.

Risk Assessment

88. There is a high likelihood that there will be a negative public reaction and objection to the service review outcomes, particularly, where they result in the withdrawal of a service, even if that service has very low passenger numbers. The Council will look to provide a DRT where residents are left without access to an alternative service or local centre, however, this may not necessarily service all journey requirements that current service users may want.
89. As this report states, without action, there will be a large local bus services budget deficit in the 2023/24 financial year which, combined with the Council's wider financial position, needs to be addressed by these service reviews. This could be more challenging should any commercial changes result in additions to the current register of subsidised services and DRT's if policy determines a requirement to step in with some level of provision.
90. The legal implications are covered in paragraphs 44 to 57.
91. The risks are included in the Corporate Risk Register which is regularly updated and reported to the Corporate Governance Committee.

Background Papers

Report to the Cabinet on 9 March 2018, 'Draft Passenger Transport Policy and Strategy Review of the Community Bus Partnerships'

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MID=5178#AI54445>

Report to the Cabinet on 16 October 2018, 'Draft Passenger Transport Policy and Strategy', including appended EHRIA:

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5184&Ver=4>

Report to the Cabinet on 22 June 2021, 'National Bus Strategy':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=6444&Ver=4>

Report to the Cabinet on 26 October 2021, 'National Bus Strategy':

<http://cexmodgov1.ad.leics.gov.uk:9075/ieListDocuments.aspx?CId=135&MId=6447&Ver=4%20>

Report to the Cabinet on 29 March 2022, 'National Bus Strategy – Enhanced Partnership Plan and Scheme and Bus Service Improvement Plan':

<http://cexmodgov1.ad.leics.gov.uk:9075/ieListDocuments.aspx?CId=135&MID=6774#AI71040>

Report to the Cabinet on 29 March 2022, 'Local Bus Service Challenge and Impacts':

<http://cexmodgov1.ad.leics.gov.uk:9075/ieListDocuments.aspx?CId=135&MID=6774#AI71040>

Passenger Transport Policy and Strategy (PTPS):

- Policy:
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/5/10/Passenger%20Transport%20Policy.pdf>
- Strategy:
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/5/10/Passenger%20Transport%20Strategy.pdf>

Bus Service Improvement Plan (BSIP):

<https://www.leicestershire.gov.uk/roads-and-travel/buses-and-public-transport/bus-service-improvement-plan-bsip>

Enhanced Partnership Plan and Scheme:

<https://www.leicestershire.gov.uk/roads-and-travel/buses-and-public-transport/enhanced-partnership-plan-and-scheme>

Appendices

Appendix A: Supported Service list to be reviewed

Appendix B: Draft Equality Impact Assessment

Appendix C: Technical Note – PTPS compatibility with BSIP