



COFNOD O BENDERFYNIAD WEDI'I DDIRPRWYO GAN SWYDDOG
RECORD OF KEY OFFICER DELEGATED DECISION

Penderfyniad Allweddol | Key Decision ✓

PWNC | SUBJECT:


**BUS EMERGENCY SCHEME (BES 3) – JOINT WORKING AGREEMENT WITH
MONMOUTHSHIRE COUNTY COUNCIL**

DIBEN YR ADRODDIAD | PURPOSE OF THE REPORT:

- i. This report seeks the agreement of this authority to sign up to the Joint Working Agreement with Monmouthshire County Council to ensure that Bus Emergency Scheme (BES 3) funding is channelled to operators in Rhondda Cynon Taf.
- ii. In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended officer decision of the Director of Frontline Services as described below

PENDERFYNIAD WEDI'I DDIRPRWYO | DELEGATED DECISION:

The signing by the Director of Frontline Services of the Joint Working Agreement with Monmouthshire County Council to ensure that Bus Emergency Scheme (BES 3) funding is channelled to operators in Rhondda Cynon Taf is approved.

	R. Waters	11.08.22
Llofnod y Prif Swyddog Chief Officer Signature	Enw (priflythrennau) Name (Print Name)	Dyddiad Date

Mae'r penderfyniad yn cael ei wneud yn unol ag Adran 15 o Ddeddf Llywodraeth Leol 2000 (Swyddogaethau'r Corff Gweithredol) ac yn y cylch gorchwyl sy wedi'i nodi yn Adran 5 o Ran 3 o Gyfansoddiad y Cyngor.

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.



YMGYNGHORI | CONSULTATION

A. Morgan

11.08.22

LLOFNOD YR AELOD YMGYNGHOROL O'R CABINET
CONSULTEE CABINET MEMBER SIGNATURE

DYDDIAD | DATE

LLOFNOD SWYDDOG YMGYNGHOROL
CONSULTEE OFFICER SIGNATURE

DYDDIAD | DATE

WILL THIS DECISION HAVE AN IMPACT ON THE WARD?
A FYDD Y PENDERFYNIAD YMA'N CAEL EFFAITH AR Y WARD?

BYDD | YES **NA FYDD | NO**

Any further comments/Need for Local Member to be informed:
Unrhyw sylwadau pellach/Oes angen rhoi gwybod i'r Aelod Lleol?:



RHEOLAU'R WEITHDREFN GALW-I-MEWN | CALL IN PROCEDURE RULES.

A YW'R PENDERFYNIAD YN UN BRYD A HEB FOD YN DESTUN PROSES GALW-I-MEWN GAN Y PWYLLGOR TROSOLWG A CHRAFFU?:

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

YDY | YES ✓ NAC YDY | NO

Rheswm dros fod yn fater brys | Reason for Urgency:

To ensure that Bus Emergency Scheme (BES 3) funding is channelled to operators in Rhondda Cynon Taf as a matter of urgency.

.....
Os yw'n cael ei ystyried yn fater brys - llofnod y Llywydd, y Dirprwy Llywydd neu Bennaeth y Gwasanaeth Cyflogedig yn cadarnhau cytundeb fod y penderfyniad arfaethedig yn rhesymol yn yr holl amgylchiadau iddo gael ei drin fel mater brys, yn unol â rheol gweithdrefn trosolwg a chraffu 17.2:

If deemed urgent - signature of Presiding Officer or Deputy Presiding Officer or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

G. Hughes

11.08.22

.....
(Llywydd | Presiding Officer)

.....
(Dyddiad | Date)

DS - Os yw hwn yn benderfyniad sy'n cael ei ail-ystyried yna does dim modd galw'r penderfyniad i mewn a bydd y penderfyniad yn dod i rym o'r dyddiad mae'r penderfyniad wedi'i lofnodi.

NB - If this is a reconsidered decision then the decision cannot be Called In and the decision will take effect from the date the decision is signed.



DYDDIADAU CYHOEDDI A GWEITHREDU | PUBLICATION & IMPLEMENTATION DATES

CYHOEDDI | PUBLICATION

Cyhoeddi ar Wefan y Cyngor | Publication on the Council's Website:- __11.08.22__

DYDDIAD | DATE

GWEITHREDU'R PENDERFYNIAD | IMPLEMENTATION OF THE DECISION

Nodwch: Fydd y penderfyniad hwn ddim yn dod i rym nac yn cael ei weithredu'n llawn nes cyn pen 3 diwrnod gwaith ar ôl ei gyhoeddi. Nod hyn yw ei alluogi i gael ei "Alw i Mewn" yn unol â Rheol 17.1, Rheolau Gweithdrefn Trosolwg a Chraffu.

Note: This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Yn amodol ar y drefn "Galw i Mewn", caiff y penderfyniad ei roi ar waith ar / Subject to Call In the implementation date will be

___N/A___
DYDDIAD / DATE

WEDI'I GYMERADWYO I'W GYHOEDDI: ✓ | APPROVED FOR PUBLICATION :✓



Rhagor o wybodaeth | Further Information:

Cyfadrann Directorate:	Frontline Services
Enw'r Person Cyswllt Contact Name:	Charlie Nelson
Swydd Designation:	Transportation Manager
Rhif Ffôn Telephone Number:	01443 425001



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

KEY DELEGATED DECISION

REPORT TO ACCOMPANY A DECISION OF THE DIRECTOR OF FRONTLINE SERVICES

BUS EMERGENCY SCHEME (BES 3) – JOINT WORKING AGREEMENT WITH MONMOUTHSHIRE COUNTY COUNCIL

AUGUST 2022

Author(s): Charlie Nelson (Transportation Manager)

1. PURPOSE OF THE REPORT

- 1.1 This report seeks the agreement of this authority to sign up to the Joint Working Agreement with Monmouthshire County Council to ensure that Bus Emergency Scheme (BES 3) funding is channelled to operators in Rhondda Cynon Taf.
- 1.2 In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended officer decision of the Director of Frontline Services as described below.

2. RECOMMENDATIONS

- 2.1 It is recommended consideration be given to the content of this report and to approve the signing by the Director of Frontline Services of the Joint Working Agreement with Monmouthshire County Council to ensure that Bus Emergency Scheme (BES 3) funding is channelled to operators in Rhondda Cynon Taf.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The need to seek the agreement of this authority to agree to ongoing relationship with Monmouthshire County Council, as signatory and the lead authority for South East Wales, that ensures that the ongoing emergency funding meets the authority's priorities and is delivered on its behalf.

4. BACKGROUND

- 4.1 The Bus Emergency Scheme 3 (BES 3) is an agreement between Welsh Government (WG), Regional Lead Authorities and bus operators that follows the earlier BES 1, BES 1.5 and BES 2 agreements that addressed the loss of



farebox revenue by bus operators in Wales during the uncertainty of the Covid-19 affected operations, and set out conditions for the receipt of such funding. A copy of the BES 3 Joint Working Agreement is included at Appendix A. A copy of the BES3 Agreement is included at Appendix B.

- 4.2 The challenges facing the bus industry have changed during the period of BES 2. Whilst the industry has started to recover from, and manage, the impacts of COVID-19 they now face further challenges to their ability to operate the required network of services on a commercial basis. In particular:
- (a) There has been an increase in driver costs of approximately 15% due to on-going driver shortages across the industry, with the shortage in drivers meaning that some operators are relying upon agency staff materially increasing the cost of operation. There is currently a shortfall of 20% in the number of drivers required to drive local bus services across Wales,
 - (b) There has been a significant increase in fuel costs, as a result of the uncertainty of global fuel markets due to the crisis in Ukraine, leading to an increase in fuel costs of approximately 30% in some parts of Wales since February 2022.
- 4.3 These Driver and Fuel Cost Impacts were not foreseeable at the time that the BES2 agreement was entered into, and are unlikely to reduce significantly in the short term. The funding provided under BES2 began to protect against the impact of these cost increases on the industry, but on the expiry of that agreement, which could not be legally further extended beyond 31 July 2021, the immediate risk was the disruption to services, with operators likely to de-register services with a material loss of the current network and the benefits that it provides to passengers.
- 4.4 Loss of these services may also be difficult to replace if it leads to failure of SME operators across Wales, and could lead to significantly reduced bus networks in the long term, and also impact on associated sectors such as school transport. In providing ongoing Bus Emergency Scheme funding under BES 3, Welsh Government wish to ensure that a stable network is maintained and developed, to enable the continued reshaping of Wales' local bus services, to meet the needs of passengers.
- 4.5 The BES 3 agreement once again defines "Constituent Local Authorities" as "a group of local authorities in Wales who are working together and are represented by the Lead Authority" and "Lead Authority" as "a local authority in Wales acting as the Lead Regional Transport Authority for one or more of its Constituent Local Authorities. In the case of the Cardiff Capital Region, the Lead Authority is Monmouthshire and the Constituent Local Authorities are



Blaenau Gwent, Bridgend, Caerphilly, Cardiff, Merthyr Tydfil, Newport, Rhondda Cynon Taf, Torfaen and the Vale of Glamorgan.

- 4.6 Working with the Region's Constituent Local Authorities, the Joint Working Agreement ensures that bus services locally are aligned regionally with the funding provided by Welsh Government, and provides a framework for the development of future partnership working between the public sector and bus operators across the Cardiff Capital Region that seeks to meet the needs of all the Constituent Local Authorities, and which can be built upon over the coming years
- 4.7 The Joint Working Agreement requires the Constituent Local Authorities to work with Monmouthshire County Council (the Lead Authority), through the Regional Bus Team and overseen by the South East Wales Bus Funding Project Board, and allows it to fulfil the duties of a Constituent Local Authority to agree and set the level of service that is necessary for each route and ensure that the funding claims from the operators are assessed and met, and Rhondda Cynon Taf's interests are protected.

5 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 The Equality Impact Assessment Screening form which was completed in January 2021 remains valid for the purpose of this report. A full report is not required. The BES 3 funding package seeks to secure the continued availability of public transport services through the Coronavirus Emergency to a point where passenger usage and therefore farebox income returns to something approaching pre-Covid levels. Public transport services can reduce social exclusion and enable access to goods and services.

6 CONSULTATION / INVOLVEMENT

- 6.1 The BES 3 agreement, and the associated Joint Working Agreements that ensure that the interests of the constituent local authorities are protected, has involved high level discussions between Welsh Government, the Local Authorities within Wales, and the bus operators through their trade bodies - the Confederation of Passenger Transport and the Coach and Bus Operators Association Cymru.

7 FINANCIAL IMPLICATION(S)

- 7.1 There are no direct funding implications for RCT arising from this agreement and the additional funding being provided by Welsh Government enables services to be maintained. The Council will continue to fund bus services via the contracts that it has with individual bus operators



8 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 The BES 3 agreement has built on the earlier BES 2 agreement in a pragmatic way, based on the practical lessons learned during its application. This is a specialist area of law and has been led by a legal expert engaged by the Welsh Government.
- 8.2 As before, the BES 3 contract will be signed by the Lead Authority, and not the constituent local authorities. Similarly there will need to be a back to back agreement with the Regional Lead Authority to ensure that our section 63 duties are not compromised, and that the ongoing emergency funding meets this authority's priorities and is delivered on its behalf under any prioritising of routes to which BES 3 is applied.
- 8.3 Notwithstanding any future proposals that may be considered in a future Bus Bill, the substantive duties and responsibilities in respect of bus services rest with Local Authorities. The latest Joint Working Agreement with Monmouthshire County Council ensures that the interests of the constituent local authorities are protected and that the funding channelled to operators in Rhondda Cynon Taf meets the authority's priorities and is delivered on its behalf.

9 LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

- 9.1 Public transport reduces the risk of social exclusion and offers a sustainable alternative to the private car with bus services enabling 100 million journeys (pre-Covid) to be taken in Wales every year. This is particularly important in RCT where car ownership is low and around one third of households not having access to a private car. Bus offers local residents access to key facilities and services, as well as reducing congestion and improving local air quality.
- 9.2 Public transport supports a range of objectives covering health and prosperity set out in the Council's Single Integrated Plan and emerging Corporate Plan. They also meet a number of the goals set out in the Wellbeing of Future Generations (Wales) Act 2015. For example, a prosperous Wales, a more equal Wales, a healthier Wales and a Wales of cohesive communities.

10 CONCLUSION

- 10.1 The BES 3 agreement exists to provide a legal basis for funding the costs associated with the ongoing financial challenges facing the bus industry. BES 3 continues to support the move to improve regional co-ordination and oversight of delivery of local bus services.
- 10.2 The Joint Working Agreement with Monmouthshire County Council ensures that the interests of the constituent local authorities are protected and that the



funding channelled to operators in Rhondda Cynon Taf meets the authority's priorities and is delivered on its behalf.

Appendix A; BES3 Joint Working Agreement



BES 3 Joint
Working Agreement

Appendix B; BES3 Agreement



BES3 clean
final(119889599.5).d

Other Information:-

Relevant Scrutiny Committee

Overview and Scrutiny Committee.

Contact Officer(s)

Charlie Nelson (Transportation Manager)