

ENVIRONMENT CAPITAL SCRUTINY COMMITTEE

TUESDAY 23 FEBRUARY 2010
6.00 PM

Council Chamber - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest and Whipping Declarations**
3. **Request for Call-In of an Executive Decision: Bus Service Review** 1 - 10



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Louise Tyers on 01733 452284 as soon as possible.

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Committee Members:

Councillors: C Burton (Chairman), D Day (Vice-Chairman), R Dobbs, J A Fox, N North, J Wilkinson and N Sandford

Substitutes: Councillors: J Goodwin and C Ash

Further information about this meeting can be obtained from Louise Tyers on telephone 01733 452284 or by email – louise.tyers@peterborough.gov.uk

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ENVIRONMENT CAPITAL SCRUTINY COMMITTEE	Agenda Item No. 3
23 FEBRUARY 2010	Public Report

Report of the Solicitor to the Council

Report Author – Louise Tyers, Scrutiny Manager

Contact Details – (01733) 452284 or email louise.tyers@peterborough.gov.uk

REQUEST FOR CALL-IN OF AN EXECUTIVE DECISION: BUS SERVICE REVIEW

1. PURPOSE

- 1.1 To consider a request to call-in an executive decision made by the Cabinet.

2. RECOMMENDATIONS

- 2.1 That the Environment Capital Scrutiny Committee considers a request to call-in a decision taken by the Cabinet in respect of the Bus Service Review.

3. BACKGROUND

- 3.1 On 8 February 2010, the Cabinet made an executive decision relating to the Bus Service Review. In accordance with the Constitution this decision was published on 10 February 2010.

- 3.2 On 15 February, Councillors David Day, Judy Fox and Nick Sandford submitted a request to call-in this decision on the following grounds:

(i) The decision does not follow the principles of good decision making set out in Article 12 of the Council's Constitution, specifically that the decision maker did not:

- (a) realistically consider all alternatives and, where reasonably possible, consider the views of the public; and
- (b) follow procedures correctly and be fair.

- 3.3 A copy of the request to call-in is attached at Appendix 1 and a copy of the report considered by the Cabinet is attached at Appendix 2.

- 3.4 After considering the request to call-in and all relevant advice, the Committee may either:

- (a) not agree to the request to call-in, when the decision shall take effect;
- (b) refer the decision back to the decision maker for reconsideration, setting out its concerns; or
- (c) refer the matter to full Council.

4. IMPLICATIONS

- 4.1 Any implications are contained within the Cabinet report at Appendix 2.

5. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

None

6. APPENDICES

Appendix 1 – Request to Call-In Decision

Appendix 2 – Report Considered by the Cabinet

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CALL-IN REQUEST FORM



This form must be completed, signed by at least two members of any Scrutiny Commission or Scrutiny Committee and returned to the Scrutiny Team within 3 working days of the decision being published (*not including the day of publication*)

Decision taker:	Cabinet
Date of publication of decision:	10 February 2010
Decision Called in :	Bus Service Review

	REASONS FOR CALL-IN	Tick which reason applies
1.	Decision contrary to the policy framework?	
2.	Decision contrary or not wholly consistent with the budget?	
3.	Decision is Key but it has not been dealt with in accordance with the Council's Constitution.	
4.	Decision does not follow principles of good decision-making set out in Article 12 of the Council's Constitution.	✓
If reason 4, please tick which specific element of Article 12 the decision maker has not followed, did he or she not:		
(a)	Realistically consider all alternatives and, where reasonably possible, consider the views of the public.	✓
(b)	Understand and keep to the legal requirements regulating their power to make decisions	
(c)	Take account of all relevant matters, both in general and specific, and ignore any irrelevant matters.	
(d)	Act for a proper purpose and in the interests of the public.	
(e)	Keep to the rules relating to local government finance.	
(f)	Follow procedures correctly and be fair.	✓
(g)	Make sure they are properly authorised to make the decisions.	
(h)	Be responsible for their decisions and be prepared to give reasons for them.	
(i)	Take appropriate professional advice from officers.	

Detailed Reason(s) for Call-in. *Please explain below why one of the reasons for call-in applies (eg. For number 1 - which major policy affected and how/why)*

- (1) Issues relating to early morning journeys on the 406, which were detailed incorrectly in the report, were not corrected.
- (2) Alternative proposals were put forward and not referred to in the Cabinet report.
- (3) Received additional information on the 402/404 passenger numbers which do not show a low number of use.
- (4) Complaints made by the Youth Council that they were not consulted on the proposals.

	Name (please print)	Signature	Date
1.	Cllr N Sandford	Cllr N Sandford	15/02/10
2.	Cllr D Day	Cllr D Day	15/02/10
3.	Cllr JA Fox	Cllr JA Fox	15/02/10

THIS PART OF THE CALL-IN REQUEST FORM IS TO BE COMPLETED BY THE CHIEF EXECUTIVE (OR HIS/HER REPRESENTATIVE)

Date form received:		15 February 2010	
Form processed by (name):		Louise Tyers	
Was Call-in request received within timescales?	YES	If No, reject and inform parties, initial and date this box to show completed	
Is the request form signed at least 2 members of any Scrutiny Commission or Scrutiny Committee?	YES	If No, reject and inform parties, initial and date this box to show completed	
URGENCY			
1.	In the view of the decision-maker, was the decision made of an urgent or special urgent nature, and if so, why?		
2.	In the view of the Chairman of the Environment Capital Scrutiny Committee, is the decision under consideration sufficiently urgent that it should not be available for call-in, and if so, why?		
To be considered by which Scrutiny Commission/Committee		Environment Capital Scrutiny Committee	
Date for Scrutiny Commission/Committee to consider request for call-in		23 February 2010	
Result of the Scrutiny Commission/Committee's considerations			
If necessary, which decision-maker is to reconsider decision and by which date?	Decision-maker	Date	
Signature and date of officer completing Call-in request form	Signature	Date	
	Name (please print)		

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CABINET	AGENDA ITEM No. 5.3
8 FEBRUARY 2010	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Hiller, Cabinet Member for Neighbourhoods, Housing and Community Development	
Contact Officer(s):	Teresa Wood - Group Manager, Transport and Sustainable Environment	Tel. 317451

BUS SERVICE REVIEW

R E C O M M E N D A T I O N S	
FROM : Paul Phillipson, Executive Director Operations	Deadline date : Enter relevant date of Council meeting if item is to be referred to full Council
1. To approve the final proposals to amend the subsidised bus network as detailed at 4, subject to budget proposals being agreed at council.	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following a number of reports and consultation events that have already taken place. These include:

- 14.9.09 Cabinet Policy Forum
- 17.9.09 Environment Capital Scrutiny Committee
- 30.9.09 Rural Working Group
- 1.10.09 Consultation event for Parish and Ward Councillors
- 5.10.09 Scrutiny Commission for Rural Communities
- 18.11.09 Parish Council Liaison Group
- 23.11.09 Scrutiny Commission for Rural Communities
- 12.01.10 Corporate Management Team
- 25.01.10 Cabinet Policy Forum

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to provide information on what consultation has been undertaken as part of the bus service review and to consider the conclusions and recommendations.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1. To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.

2.3 URGENCY PROCEDURE

The Council's urgency procedure has been invoked in respect of this report and the Chairman of the Sustainable Growth Scrutiny Committee has been informed in accordance with the Council's Constitution.

Although the proposals discussed in the report are contained within the budget report at item 5.6 of this agenda, officers feel that it would be preferable for the proposals to be the subject of a separate report in the interests of democracy so as to allow a full and open debate on the issues.

3. **TIMESCALE.**

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	8 February 2010
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4. **BACKGROUND**

All subsidised bus service contracts were incorporated into an initial overview assessment. From this assessment, the Local Link rural, morning and evening bus journeys warranted further assessment due to the low numbers of passengers carried and relatively high subsidy per passenger journeys. Patronage data from on-bus ticket machines and physical on-bus monitoring was analysed and used to assess the number of people impacted by the proposed changes. A consultation process was also undertaken as outlined above. To summarise the final proposals are:

- cease the following journeys on bus services:
 - 402 - all journeys, with replacement available on Call Connect or commercial services. Contracts to be provided to eligible school transport students.
 - 404 - all journeys, except Sunday journeys, with replacement available on Call Connect or commercial services. Contracts to be provided for eligible school transport students. Revise Sunday journeys.
 - 406 - all journeys before 0845 and all journeys after 1813, with replacement available within walking distance on Citi 2. In addition, other minor journey withdrawals, with replacement available within walking distance on Citi 2.
 - 407 - all journeys after 1728, with replacement available on Citi 1 and Citi 6.
 - 408 - Minor journey withdrawals and amendments, with replacement available on Citi 1 and Citi 3.
 - 410 - all journeys withdrawn between Newark and Dogsthorpe, with replacement available on Stagecoach Citi network. In addition, all journeys after 1815 withdrawn and Sunday service withdrawn, with partial replacement available on Stagecoach service 37. Service extended from Newark to Newborough to replace 411, timetable reworked as a result.
 - 411 - all journeys, except those carrying eligible students withdrawn, with replacement on reworked 410 timetable.
- enter into a partnership arrangement with Lincolnshire County Council to deliver a Call Connect service;
- reallocate funding and introduce one Call Connect service for the West area (from western edge of authority boundary to East Coast Mainline), with the intention of introducing a second vehicle for the East area at a later date;
- retain service LL403/413 - Ginton and Peakirk with a revised timetable;
- retain combined service LL410/411, as detailed above.;
- retain service 342 - Thorney to Whittlesey on Fridays;
- renew the existing de-minimis agreements with commercial operators to provide a number of journeys;
- reallocate funding to provide additional journeys on a 3 month trial basis to increase the frequency of more popular daytime journeys that are showing an increasing trend in passenger numbers from hourly to half hourly. Should the trial not show a further increase in passenger numbers the trial to be ceased and the service revert to hourly. However, should an agreed further increase in passenger numbers be achieved reallocate funding to provide the additional journeys on a permanent basis;
- reallocate funding to expand the recommended Monday to Saturday Call Connect service to operate on Sundays;
- implementation of promotion and communications plan; and

- implement changes from 4 April 2010, followed by withdrawal of listed journeys from 15 May 2010 to allow a cross over.

A further review of all subsidised bus services will take place after a 12 month period. This review will ensure that the recommendations have achieved the anticipated outcomes.

Whilst additional expenditure will be incurred to cover the cost of the Call Connect and school contract provision plus any redundancy costs incurred by City Services, it is envisaged that there will be overall savings. Final confirmation on savings cannot be given until authorisation is given to proceed with the bus service review recommendations followed by tendering and evaluation of the required school contracts has taken place. However, it is estimated that savings of approximately £200k can be achieved within Operations together with approximately £20k for Children's Services. City Services, whilst having additional costs such as redundancy, have identified efficiency savings through revised driver duties etc which is estimated to achieve an overall savings. City Services anticipate savings of least £70k.

5. CONSULTATION

- 5.1 Consultation has been undertaken as detailed at 1 above.
- 5.2 Discussions have been held with both Stagecoach and Delaines, as main bus operators in the area. These discussions have been undertaken discreetly so as not to disclose any confidential or commercially sensitive information. Both Stagecoach and Delaines have indicated that they would not oppose changes to the Local Link network of services. They also advised that they are in support of dial-a-ride and Call Connect type services where commercially operated or conventional public transport is unable to meet the needs of the public.
- 5.3 City Services have already commenced consultation with staff who may be affected.

5. ANTICIPATED OUTCOMES

The anticipated outcomes is that these final proposals to amend the subsidised bus network as detailed at 4 above are approved, subject to budget proposals being agreed at Council.

6. REASONS FOR RECOMMENDATIONS

The recommendations will provide an improved subsidised bus network that links to a stronger commercial network provided by external bus operators.

7. ALTERNATIVE OPTIONS CONSIDERED

The following alternative options have been considered and rejected:

- Continue all bus service journeys as existing. This option was rejected as it does not represent best value with council funds and does not provide an improved level of service to members of the public.
- Cease operating all journeys low usage journeys without replacement. This option was rejected as it does not provide alternative options and would leave some areas devoid of a bus service.
- Provide a dial-a-ride service on one or more days per week between the hours of 9.30 am and 2.30 pm. This option was rejected as it does not provided sufficient cover for the rural areas as can be provided by a Call Connect service.

8. IMPLICATIONS

Legal

Under the 1985 Transport Act, the Council has a statutory duty to secure the provision of such public transport services as the Council considers appropriate to meet any public transport requirements which would not otherwise be met commercially.

There is a service level agreement in place between the Operations directorate and City Services for the provision of public transport, community transport and home to school transport. The two directorates have agreed to review and subsequently amend the services to be provided by City Services in accordance with the provisions of the service level agreement.

Human Resources

City Services has commenced consultation with all employees who may be affected by the proposals.

The PSV drivers are not assigned to specific routes, and are assigned routes on a rota basis. Therefore an exercise would need to be undertaken to identify whether any PSV drivers would need to be made redundant. This would be undertaken in accordance with Council's redundancy process through formal consultation.

If routes are to be transferred to another provider, the Transfer of Undertakings (Protection of Employment) Regulations may apply and so an exercise would need to be undertaken to establish the assignment of drivers to the routes to be tendered through formal consultation.

Procurement

One of the outcomes of this review may be to procure a new Call Connect or dial-a-ride type services and some school transport replacement services. Discussions have taken place with Lincolnshire County Council and the Council's Procurement team on a possible partnering arrangement. The Procurement team have confirmed Lincolnshire County Council's tendering arrangements are compliant with the Council's. It was also confirmed that better value can be achieved by entering into partnership procurement arrangements.

9. BACKGROUND DOCUMENTS

Proposed timetables for all services are available.