

REPORT TO: WECA COMMITTEE

DATE: 30 NOVEMBER 2018

REPORT TITLE: TRANSPORT FUNCTIONS

DIRECTOR: DAVID CARTER, DIRECTOR OF INFRASTRUCTURE

AUTHOR: CHRIS JENNINGS, WECA

Purpose of Report

1. To agree how to resource and deliver the Combined Authority's transport functions

Background

2. In March and October 2017 reports were presented to the Combined Authority outlining the powers in respect of transport and transport policy that have been conveyed by the legal order establishing the West of England Combined Authority.
3. The West of England Combined Authority¹ order states that the following are exercisable by the Combined Authority in relation to the Area:
 - a. the functions of the constituent councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985; and
 - b. the functions of the constituent councils as local transport authorities specified in Part 2 (local transport) of the 2000 Act.
4. The first set of legislative functions grouped under (a) have been translated into the WECA constitution which specifically highlights the following functions: Concessionary Travel; Bus service information (including Real Time Information); Community Transport; and a joint responsibility, with the constituent councils, for Supported Bus provision. Joint responsibility means that individual Unitary Authorities must make a decision independently of the Combined Authority in line with their own constitutions.

Future Delivery of Transport Authority functions

5. Since the formation of the Combined Authority, delivery of these functions has been provided (as per the agreed reports earlier referenced) by constituent councils in the region on behalf of the Combined Authority. These reports clearly referenced and agreed that revised arrangements would be put in place once the Combined Authority became more established. It is now proposed that delivery of these functions should

¹ The Combined Authority refers to the statutory decision making body which is constituted by the Mayor of the West of England, the Mayor of Bristol and the Leaders of Bath and North East Somerset & South Gloucestershire Councils.

be carried out directly by the Combined Authority, recognising that some elements of front line delivery, for example, the issuing of concessionary travel passes, are likely to continue to be commissioned from constituent councils or third parties. It is envisaged that some functions would transfer to the Combined Authority during 2019/20, with others following to an agreed timetable. It is anticipated that any service level decisions would be brought to the Combined Authority for consideration.

6. WECA officers will work closely with constituent councils to develop a detailed transition plan and timetable. This would include full consultation with any staff that may be affected by any proposed changes, in line with relevant organisational change procedures, together with consultation with Trade Unions as appropriate.
7. It is proposed that the WECA Director of Infrastructure is delegated responsibility to develop and implement a transition plan in consultation with equivalent Directors from the constituent councils and that CEOs, the Infrastructure Advisory Board and Combined Authority are kept informed of progress. It will be important to ensure that the relationship with any residual front line delivery functions that may remain delivered by constituent councils is clearly identified and agreements put in place to govern the arrangements as appropriate
8. There are several good reasons for proposing that delivery of these functions should now be carried out directly by the Combined Authority building on the previous joint working of the Constituent Authorities:
 - a. We would be implementing the devolution deal as envisaged by Central Government whose strong direction was that The Combined Authority would directly deliver the functions for which it is the statutory authority;
 - b. whilst it was not practical to enact this as soon as the Combined Authority came into existence due to staffing levels, a skilled and experienced Senior Leadership team is now in place within providing the capacity to enable more direct delivery of Transport Authority functions;
 - c. currently there is little visibility for The Combined Authority, at executive or political level, over performance of the functions for which it is accountable (the combined budget for these services in 2018/2019 was originally set at £14.6m);
 - d. there are opportunities to ensure parity of provision across the constituent council areas, for example by harmonising the service levels as regards the processes and timescales to apply for and receive concessionary passes and there are opportunities to further modernise elements of these functions, for example through greater use of digital services, that will be more easily achieved with a centralised team;
 - e. it will enable, for example, an easier implementation of the Bus Strategy, once approved, by having the key bus related functions together. So, for example, if the Combined Authority wishes to consider bus franchising, elements fundamental to a franchised operation (concessionary fares, real time information, performance of subsidised services) would be under direct control of WECA rather than resting with dispersed delivery teams; and
 - f. no additional costs will be incurred upon the constituent councils as result of any transfer and, where appropriate, efficiencies will be realised.

Transport Policy

9. In addition to the functions listed above the Combined Authority also has statutory responsibility under Part 2 of the Transport Act 2000, to “develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport [facilities and services] to, from and within their area, and to carry out their functions so as to implement those policies.”
10. Through the Combined Authority there is a positive opportunity for the region to increase its capability in this area by developing a regional team to lead policy development that will shape the region’s transport into the future. For example, with a properly resourced transport policy function it would be possible to make speedier progress on developing key documents such the bus strategy. Without a central team, developing policies such as this can only currently be achieved by impacting on resources in the Unitary Authorities who are also focussed on key operational priorities.
11. It is proposed that the WECA Director of Infrastructure is delegated responsibility to develop proposals for how this statutory duty may be met in consultation with equivalent Directors from the constituent councils.

Identifying options for further voluntary Co-Working

12. In implementing new arrangements for the delivery of the statutory transport functions outlined above, constituent councils may wish to propose co-locating additional Transport, Traffic and Highway functions to complement the new delivery arrangements. If such proposals are made, they will be brought forward for decisions as appropriate.

Consultation

13. Consultation has taken place with Directors and Chief Executive Officers in the constituent councils.

Other Options Considered

14. It would be possible to continue to deliver functions via constituent councils as per current arrangements. This option has been discounted for the reasons set out in paragraph 8 above.

Risk Management/Assessment

15. There are risks in transition service delivery from one authority to another but these will be identified in the development of a transition plan and appropriate mitigations established as part of that process.

Public Sector Equality Duties

16. The public sector equality duty created under the Equality Act 2010 means that public authorities must have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster good relations between people who share a protected characteristic and those who do not.
17. The Act explains that having due regard for advancing equality involves:
 - Removing or minimising disadvantages suffered by people due to their protected characteristics.
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
 18. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected in the design of policies and the delivery of services, including policies, and for these issues to be kept under review.
 19. There are no changes to service delivery as a result of this report and therefore no equalities implications at this stage. If any changes are to be proposed an appropriate equalities impact assessment will be produced in line with legislative requirements.

Finance Implications:

20. For the current financial year, the original approved budget allocation was £14.67m (the Transport Levy was originally set at this level but was revised at the July Committee to £13m to reflect revised forecasts and include a £1.2m contribution from the WECA Investment Fund). The staffing element of this currently amounts to c.£350k.
21. The budget for the Transport functions will be developed as part of the budget setting and transport levy process for 2019/20 in line with all appropriate legislation. As and when functions transfer, updates will be provided to the Combined Authority and, if required, budget amendments will be proposed as part of the Quarterly Outturn report process, in line with the constitution. No additional costs will be incurred on constituent councils through the transition and if transitional costs are identified, a funding decision will be sought as appropriate.

Advice given by: Malcolm Coe, Director of Corporate Services, WECA

Legal Implications:

22. WECA transport powers are as set out in the West of England Combined Authority Order 2017

Advice given by: Shahzia Daya, Director of Legal Services, WECA

Land/property implications

23. Any property implications, for example, where staff could be located, will be developed as part of the transition planning process and taken into account as per the HR implications below.

Advice given by: Malcolm Coe, Director of Corporate Services, WECA

Human Resources Implications:

24. WECA officers will work closely with constituent councils to develop a detailed transition plan and timetable. This would include full consultation with any staff that may be affected by any proposed changes, in line with relevant organisational change procedures, together with consultation with Trade Unions as appropriate.

Advice given by: Alex Holly, Head of Human Resources, WECA

Recommendation:

25. That the Combined Authority:
- a. Agrees that delivery of the transport functions listed in paragraph 4 should, where practical, be carried out directly by the Combined Authority;
 - b. Agrees that responsibility for developing, and implementing, a transition plan is delegated to the WECA Director of Infrastructure, in consultation with equivalent Directors from the constituent councils; and
 - c. Notes that proposals will be developed to deliver the transport policy functions and will be presented to a future committee.

West of England Combined Authority Contact:

Any person seeking background information relating to this item should seek the assistance of the contact officer for the meeting who is Ian Hird / Tim Milgate on 0117 332 1486; or by writing to West of England Combined Authority, 3 Rivergate, Temple Way, Bristol BS1 6ER; email: democratic.services@westofengland-ca.gov.uk