



Enhanced Partnership consultation process - aims and outputs

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Enhanced Partnerships: statutory consultation requirements

- BSIPs are not statutory documents; consultation not required by law
- Enhanced Partnership Plans (EPPs) and Schemes (EPSs) are statutory documents and consultation is required by law (Transport Act 2000, s.138F)



Statutory consultees

Main focus of requirement is identifying WHO must be consulted:

- All affected operators
- User representatives
- Affected local authorities
- Traffic Commissioner
- Police
- Transport Focus
- Competition and Markets Authority

Government guidance also mentions MPs and, when modifying services major local employers and 'existing passengers on affected services' (s.5)

Approach to consultation

- The Act does not define HOW authorities need to consult
- But it is implicit that draft EP documents on which you are consulting need to be made available
- EP must include plan for consulting users on how well Plan and Scheme are working: Transport Act 2000, s138A (8)



Duration of consultation

- Length of the consultation not defined in law
- Best practice in consultations is three months – unlikely to be an option for EPs
- In practice, some authorities may only be able to fit in a consultation of between four and six weeks
- Allow time to analyse, report and consider responses and to modify the Plan and Scheme if required
- Certain types of changes would require authorities to reopen the statutory 28-day objections process, so changes should contribute to BSIP outcomes (see Government guidance section 6.2)
- Starting the consultation later than January would allow little time to complete these processes

Lawfulness of consultations

- In addition to complying with the letter of the statutory requirements, LTAs should be aware of the ‘Gunning Principles’ which govern the lawfulness of all consultations.
- There are four principles:
 - Consultation must take place when policies are at a **formative stage**
 - Sufficient information/reasons should be provided to allow for **intelligent consideration** of proposals
 - **Adequate time** must be allowed for consultees to consider and respond to proposals
 - Responses must be **conscientiously taken into account**

Purpose of EP consultation

- To comply with the statutory requirement and follow the Government guidance
- To raise awareness and understanding of your proposals for improving bus services?
- To provide (further) opportunity to comment on and influence those proposals?



Listening to consultees

Responses can be considered in relation to the following:

- Current Enhanced Partnership Plans and Schemes
- Future variations to Enhanced Partnership Plan (Transport Act 2000 s.138K)
- Additional Enhanced Partnership Schemes (Transport Act 2000 s.138A(2))
- Revisions to your Bus Service Improvement Plan
- Bus Passenger Charter

What to ask and how to ask it

- Content of Plan and Scheme/s: e.g. how they are helping to implement your policies and achieve your objectives, requirements on operators, facilities and measures (Transport Act 2000 s.138A)
- Include question on plan for consulting users on how well Plan and Scheme are working: Transport Act 2000, s138A (8) – *see next slide*
- Opportunity to comment: open questions

Plan for consulting users on how well your EP is working

- Who to consult: include local businesses, people with protected characteristics, elected representatives (see our first BSIP guidance on passenger representation)
- How to consult: consider passenger research as well as consultation
- When to consult: consider alongside revisions of BSIP and review of performance against targets
- What to ask and what information to provide: include performance information, ask about outcomes and measures

Providing feedback

- Output report: what did consultees say?
- Outcome report: what is the outcome of your consideration of their comments?
- How to communicate
- Next steps



Outstanding issues

- Should you consult the public?
- Public Sector Equality Duty (Equality Act 2010 s.149)



Contact Transport Focus

Please send your EP consultation to Transport Focus by email to:

EPconsultations@transportfocus.org.uk

For further assistance and advice, please contact:

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