

Swindon Enhanced Partnership Board

Terms of Reference

Introduction

Swindon Borough Council and bus operators have a shared vision for improving bus services in Swindon Borough, recognising it is time to connect people and their travel:

“Through a programme of coordinated and sustained investment we will deliver a renaissance in bus passenger travel, which will see the number of journeys made by bus increase year-on-year as part of an exemplar multi-modal transport network.”

The National Bus Strategy (published in March 2021) requires all areas to have a Bus Service Improvement Plan (BSIP) and an Enhanced Partnership in place if not following a franchising route.

Swindon Borough Council published a notice of intent to establish and develop an Enhanced Partnership on 30 June 2021.

The Swindon Enhanced Partnership Board was formed to bring together relevant parties to help develop the BSIP and establish an Enhanced Partnership Plan (EPP) and Scheme (EPS).

The Board oversaw the development of the BSIP that was published in October 2021, which included a bid for funding from the Department for Transport (DfT). This sets out the vision and ambition for the improvement of public transport across Swindon.

The Board has responsibility for overseeing the EPP and EPS, which become active once made by Swindon Council.

Overall purpose of the Board

All matters relating to bus provision across Swindon may be discussed by the Board whose key purpose is to oversee the establishment and maintenance of an Enhanced Partnership including the development, introduction, delivery and review of an Enhanced Partnership Plan and one or more associated Enhanced Partnership Schemes, in line with DfT guidance.

Organisation

The **Enhanced Partnership Board** consists of representatives of Swindon Borough Council and all local bus operators. The Board may invite any other interested party to attend Board meetings and engage with the Board either occasionally or permanently, but not to have any decision-making powers.

A **Stakeholder Engagement Group** provides external insight and constructive challenge. This group consists of, where relevant, Council officers, neighbouring authorities, other public transport operators, bus user group representatives, business group representatives and other relevant key stakeholders. The group will operate as an informal group, to facilitate discussion and actions relevant to the bus network. It will meet as required and be managed and chaired by Swindon Borough Council.

Role of the Board

The role of the Board is to:

- Provide a setting to raise, discuss and consider issues relating to the effective provision of bus services.
- Take ownership of the Swindon BSIP, overseeing its delivery and implementation on a continuous basis. Ensure that it is formally reviewed and as necessary updated annually. Monitor progress towards its targets, reporting on these regularly and in line with DfT requirements.
- Be responsible for establishing and maintaining the EP Plan and associated EP Scheme(s).
- Facilitate and ensure open, honest and productive discussion relating to the EP. Review the EP Plan and Scheme(s) as necessary.
- Consider and oversee requests to vary or revoke the EP Plan or Scheme(s) and introduce additional Scheme(s), ensuring adherence to agreed processes and procedures for doing this.
- Ensure adherence to the commitments and requirements set out in the EP Plan and Scheme(s).
- Work with stakeholders and interested parties to exchange information and ideas, with the intention of improving public transport provision, transport integration and increasing bus patronage.
- Establish, oversee and direct the activities of any working groups as appropriate.
- Ensure that inclusion and accessibility issues underpin all discussions and decisions.
- Look creatively at ways to serve new development and new markets.

The Board is empowered to make decisions that directly relate to the development, variation and management of the Enhanced Partnership Plan and Scheme(s), in line with statutory guidance in relation to Enhanced Partnerships and the remit provided by the Partner organisations.

Operation of the Board

Duration

The Board will operate for as long as there is an active EP Plan and at least one EP Scheme in place.

Representation

The Board will comprise:

- Lead Officers of Swindon Borough Council
- Representatives of each bus operator that provides at least one Qualifying Local Service (as defined in the Enhanced Partnership Plan and Scheme) in Swindon. For the avoidance of doubt an operator only providing Qualifying Local Services as a subcontractor to another operator shall not be entitled to representation in its own right.
- Any other party that the Partnership agrees is appropriate.

The Board currently consists of the following partners (signatories to the EP who commit to delivering measures and meeting particular requirements). The EP Engagement Group will be drawn from a range of stakeholder interests.

Partners on EP Board	Stakeholder Engagement Group
Swindon Borough Council	Neighbouring local authorities
Swindon's Bus Company/Go South Coast	Community transport providers
Stagecoach West	Train operating companies
Coachstyle Ltd	National Highways
4K Travel	Scheduled coach service operators
Urchfont Community Bus	Taxi Forum
West Berkshire Council (as operator)	South West Travel Watch
	Transport Focus
	Other SBC departments and SBC Portfolio Holder
	Business interests

Operators owned by the same parent company will be treated as one operator in respect of decision-making and voting rights.

Any operator commencing a Qualifying Local Service will be entitled to join the Board. Any operator ceasing to provide a Qualifying Local Service will not be entitled to attend the Board, unless there is a reason to continue by invitation as 'any other relevant party'. A list of Qualifying Local Services will be published at the start of each Council year (April).

Swindon Borough Council will appoint a chair, with the purpose of overseeing the smooth direction and running of meetings. The chair may be someone from one of the partner organisations, or an independent person from outside of the Partnership.

Each partner organisation will be entitled to have up to 2 representatives at each Board meeting. Any other invited party will be entitled to have 1 representative.

Each organisation is responsible for electing its representative(s). The representative(s) may change at any time. Any representative attending a meeting will be deemed validly appointed by its organisation.

Arrangements for EP Board Meetings

Meetings

The Board will meet as frequently as required, subject to the nature and volume of business to be transacted. Whilst current requirements for annual review of BSIP and EP and 6-monthly reporting against targets are in place, the Board will meet at least four times a year.

A Board Administrator will be appointed by Swindon Borough Council to manage the administration of the Group and its meetings, including setting meeting dates; distributing agendas, papers and meeting notes; and recording decisions and planned actions.

Dates and times of meetings will be agreed with at least 2 weeks' notice. Agendas and relevant papers will be circulated in advance, allowing suitable time for Board members to read and consider them, at least 3 working days prior to each meeting. Notes and actions from the meetings will be produced and distributed within 5 working days following each meeting.

Where meetings are specifically convened for the purpose of considering formal requests to vary or revoke the EP Plan and/or Scheme(s), then a meeting will be convened, and papers distributed, in accordance with the arrangements set out within the current EP Plan and Scheme documents.

Regardless of whether operators of qualifying bus services choose to attend meetings, all will be included on the circulation of agendas, notes of meetings and other documents shared during meetings.

A meeting will be quorate if at least 3 representatives are present, with at least one representative from each of Swindon Borough Council and two different bus operators (where at least one operator should be from the largest two operators, measured in terms of local bus route mileage operated in Swindon). If a quorum is not present within 30 minutes of the scheduled time, the meeting will be rescheduled by the Administrator.

Decisions and voting

Decisions made at Board meetings, other than those relating to the formulation, variation or revocation of the EP Plan or Scheme(s), will be by majority vote. The entitlement to vote will be as follows:

- An operator with greater than 25% of the total registered mileage of Qualifying Local Services – 2 votes
- An operator with greater than 1% and less than 25% of the total registered mileage of Qualifying Local Services – 1 vote
- All operators with less than 1% of total registered mileage of Qualifying Local Services – 1 vote collectively (with a representative elected to act on their behalf)
- Swindon Borough Council - 2 votes
- Representatives of other organisations – 0 vote (but with the ability to speak on any matter considered by the Board, including matters being voted upon)

Parties not represented at the meeting will be deemed to be abstaining from the decision.

For the purposes of ensuring that decisions serve the interests of the public and the authority, Swindon Borough Council will have the ability, where considered necessary and with good reason, to veto any decision made by the Board.

Where formal requests for EPP or EPS variations are put forward for consideration, then the procedures set out in the EPP and EPS documents will apply, including, where necessary, being subject to the full or shortened Operator Objection Process and stakeholder consultation.

Competition law

Any business transacted at Board meetings will avoid having any adverse impact on competition:

- It will not constrain competition between operators or create significant barriers that prevent an operator entering the local bus market or from registering additional services.
- It will not determine market shares between operators.
- It will not fix markets or prices.
- It will not limit the freedom of operators to set their own prices or the availability of fares.
- No information will be shared that is not relevant and appropriate to the discussions of the Partnership and delivery of the EPP and EPS.

Where information is sought from operators, this will be requested by Swindon Council from each operator individually, in accordance with the DfT guidance for Enhanced Partnerships.

Confidentiality

All representatives of the Board will keep any information and proceedings of meetings confidential, not divulging any information relating to discussions to any other party, without the express permission of the Board Administrator.

Notes of meetings (or actions arising from them) may be shared with wider stakeholder interests, including neighbouring local authorities, or groups within Swindon Borough Council, in order to pursue initiatives linked to the EPP or EPS. Where this is the case, any commercially sensitive information will be excluded from the notes.

The Get Swindon Moving Community Group will operate as an informal EP engagement group, to facilitate discussion and actions relating to the bus network, as well as offering challenge to the EP Board. It will meet as required and be managed and chaired by Swindon Borough Council.

Changes to the Terms of Reference

The Board may choose to make a change to these Terms of Reference at any time, subject to consideration by the Board and, if necessary, a vote on the proposed change. Requests for potential changes to the Terms of Reference should be notified beforehand to the EP Board Administrator, who will include the proposal on the agenda circulated before the meeting. A decision on the proposal will be made in the same way as other non-EP matters are decided, as outlined above, by majority vote.