

Warwickshire Enhanced Bus Partnership Scheme

Clarifications

This is a note of points of clarification given in response to comments on and questions about the Scheme during the consultation with Bus Operators in December 2021.

Qualifying Bus Services: These are defined as Registered Local Bus Services in Warwickshire and paragraph 3.1 explains that the Scheme applies to such services operating in Warwickshire (unless exempted). A service will be regarded as in or operating in Warwickshire if it has one or more stopping places in Warwickshire. References to Local Qualifying Bus Services in the Scheme should be read as references to Qualifying Bus Services.

Exemptions: In addition to the categories of service which are automatically exempted from the EP Scheme, any particular service or type of service may be exempted if the Bus Operators on the Board and the County Council agree (see 3.3 and Schedule 1).

Bus Operators: In order to be on the Board, and have a veto, a Bus Operator must operate one or more Qualifying Bus Services in Warwickshire (see 6.1).

Vetoes: Agreement to a variation, revocation or exemption requires a quorum of the top three Bus Operators (by mileage) and the County Council and unanimity amongst all the Bus Operators and County Council representatives who are present and voting. If there is a quorum and unanimity, the Board decision is effective and the County Council will undertake the necessary administrative processes. If anyone exercises their veto, an exemption cannot take effect and a variation or revocation can only take effect if the County Council successfully completes the statutory process for making one. (See 3.3 and Schedule 1 and 7.4, 7.5 and 9.1.)

Mileage: The mileage of the top three Bus Operators will be calculated by reference to the total registered distance (within the meaning of the Enhanced Partnership Plans and Schemes (Objections) Regulations 2018) of their Qualifying Bus Services in Warwickshire at the time of the Board meeting (see 7.4). The top three are currently [Stagecoach Midlands, Arriva Midlands and National Express West Midlands].

Operator objection mechanism: The reference to the operator objection mechanism in 7.5 means the mechanism in section 138L and 138M of the Transport Act 2000 (whereby objections from three Bus Operators can block a proposal).

Major Variations: Major variations cannot be made by a decision of the Board alone but have to go through the statutory process (which includes the operator objection mechanism). If the Board cannot agree what is major, the decision will have to be made by the County Council because the County Council holds the power to initiate the statutory process. (See 7.6.)

