

MAYORAL & NON MAYORAL DECISION NOTICE

(RECORDING OF DECISIONS MADE BY INDIVIDUALS)

1. Decision Summary:

Decision Maker Mayor of Greater Manchester	Date of Decision 29 April 2022
Date Decision Published 29 April 2022	Date Decision will come into force 29 April 2022
Subject: Bus Reform - Bus Franchising Scheme – Postponement of Local Service Contracts	

Type of Decision: Mayoral Decision

2. Details of the Decision:

The decision is that:
<ul style="list-style-type: none"> i. The date on which a local service contract may first be entered into in Sub-Area A specified in the Greater Manchester Franchising Scheme for Buses 2021 be postponed until 16th December 2022. ii. The date on which a local service may first be provided under a local service contract in Sub-Area A specified in the Greater Manchester Franchising Scheme for Buses 2021 is to be 17th September 2023. iii. The Greater Manchester Franchising Scheme for Buses 2021 is to be updated accordingly in the form annexed hereto.
The reasons for the decision are:
<p>I made the decision to introduce the Greater Manchester Franchising Scheme for Buses on 25th March 2021 (the Scheme).</p> <p>The Scheme itself was made on 30th March. In accordance with section 123H (3) of the Transport Act 2000 (the Act) and regulation 3 of the Public Service Vehicles (Registration of</p>

Local Services) (Franchising Schemes Transitional Provisions and Amendments) (England) Regulations 2018 (the regulation), it specified:

- a) the areas within the area to which the scheme relates (“scheme sub-areas”),
- b) for each scheme sub-area, the date on which a local service contract to provide a local service in that scheme sub-area may first be entered into,
- c) for each scheme sub-area, the minimum period that is to expire between the making of a local service contract to provide such a service and the provision of such a service under the contract (in that regard, a scheme may not specify a period of less than six months), and
- d) for each scheme sub-area, the date on which a local service may first be provided under a local service contract in it.

For Sub-Area A the date specified in the Scheme under b) above was 30 April 2022; the time period specified under c) above was 9 months; and the date on which a local service may first be provided under a local service contract under d) above in Sub-Area A was 29th January 2023. This date was likely to constitute in effect the effective time for the purpose of s123J(7) of the Act for that sub-area on which the change in regime effected by s123J(1),(3) and (4) of the Act takes place.

The procurement process for the implementation of the Scheme in Sub-Area A has been delayed as a result of two claims for judicial review of the decision to make the Scheme. Whilst those claims were dismissed by the High Court on March 9th, 2022 there is an outstanding application to the Court of Appeal by one of the Claimants for permission to appeal against that decision.

A consultation exercise has been undertaken (in accordance with section 123I (2) of the Act) in relation to a proposed postponement of the date on which a local service contract may first be entered into in Sub-Area A given the delay referred to above.

In light of the above delay, and having considered the responses to the consultation, I am satisfied that it is appropriate that the date on which a local service contract may first be entered into in Sub-Area A should now be postponed until 16th December 2022. I am satisfied that this is the earliest practicable date and there is a public interest in implementing the decision as soon as possible.

The postponement of the date on which a contract may first be let under section 123I of the Act gives rise to an obligation under the regulation to update the date on which a service may first be provided under such a contract in the Scheme. Accordingly, the date on which a local service may first be provided under a local service contract in Sub-Area A will be updated to specify 17th September 2023 in place of 29th January 2023.

These changes will give those who may be affected by the implementation of the Scheme in respect of sub-area A greater certainty about the time on which it is likely to come into effect.

Alternative options considered and rejected when making the decision:

See above
List Non-confidential reports Reports to be considered that can be made available to the public
Attached report to GMCA Mayor 29.4.22
List Confidential reports Reports to be considered which contain confidential or exempt information
None

3. Conflict of Interest:

Record of any conflict of interest declared by any Member who is consulted by the member or officer which related to the decision:
None
Dispensation granted by the Head of Paid Service in respect of any conflict of interest declared:
n/a

4. Signature of Decision Maker/s:

Signed: Andy Brown
 Date: 29/4/2022

NOTE:

Decisions made by the Mayor will also be reported to the GMCA at its next meeting (except where the decision concerned was taken openly by the Mayor while sitting within a formal meeting of the GMCA).

