

Final
October 2022

Royal Borough of Windsor and Maidenhead Bus Partnership:
Part 2 – RBWM Enhanced Partnership Scheme (1)

24 October 2022

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RBWM ENHANCED PARTNERSHIP SCHEME (1)

The RBWM Enhanced Partnership Scheme (1) for Buses is made in accordance with Section 138G(1) of the Transport Act 2000 by the Royal Borough of Windsor and Maidenhead.

The RBWM Enhanced Partnership Scheme (1) was approved on 24 October 2022 and comes into effect on 24 October 2022 and will remain valid until revoked.

1 About this EP Scheme (1)

1.1 Introduction

This EP Scheme (1) document has been jointly developed by the Royal Borough of Windsor and Maidenhead (RBWM) and those Bus Operators that provide local bus services in the EP Scheme (1) area. It sets out obligations and requirements on both RBWM in its capacity as the Local Transport Authority and operators of local bus services in order to achieve the intended improvements, with the aim of meeting or exceeding the targets of the associated EP Plan (see EP Plan paragraph [3.9]) and Bus Service Improvement Plan.

1.2 Content

1.2.1 This document fulfils the statutory requirements for an EP Scheme as set out in s138 of the Transport Act 2000. EP Scheme content includes the following sections:

Section 2 - Scope of the EP Scheme and commencement date

Section 3 - Obligations and requirements on the RBWM

Section 4 - Obligations and requirements in respect of Qualifying Bus Services

Section 5 - Details of EP Scheme (1) governance arrangements

Section 6 - Details of bespoke arrangements for varying or revoking the EP Scheme (1)

1.2.2 This EP Scheme (1) document should be considered alongside the associated RBWM EP Plan of the same date.

2 Scope and validity of EP Scheme (1)

2.1 EP Scheme (1) area

2.1.1 The EP Scheme (1) will facilitate the improvement of local bus services operating in the Royal Borough of Windsor and Maidenhead.

2.1.2 The EP Scheme (1) covers the same area as the RBWM EP Plan, namely the entire administrative area of the RBWM as defined by the green boundary line in Figure 2-1.

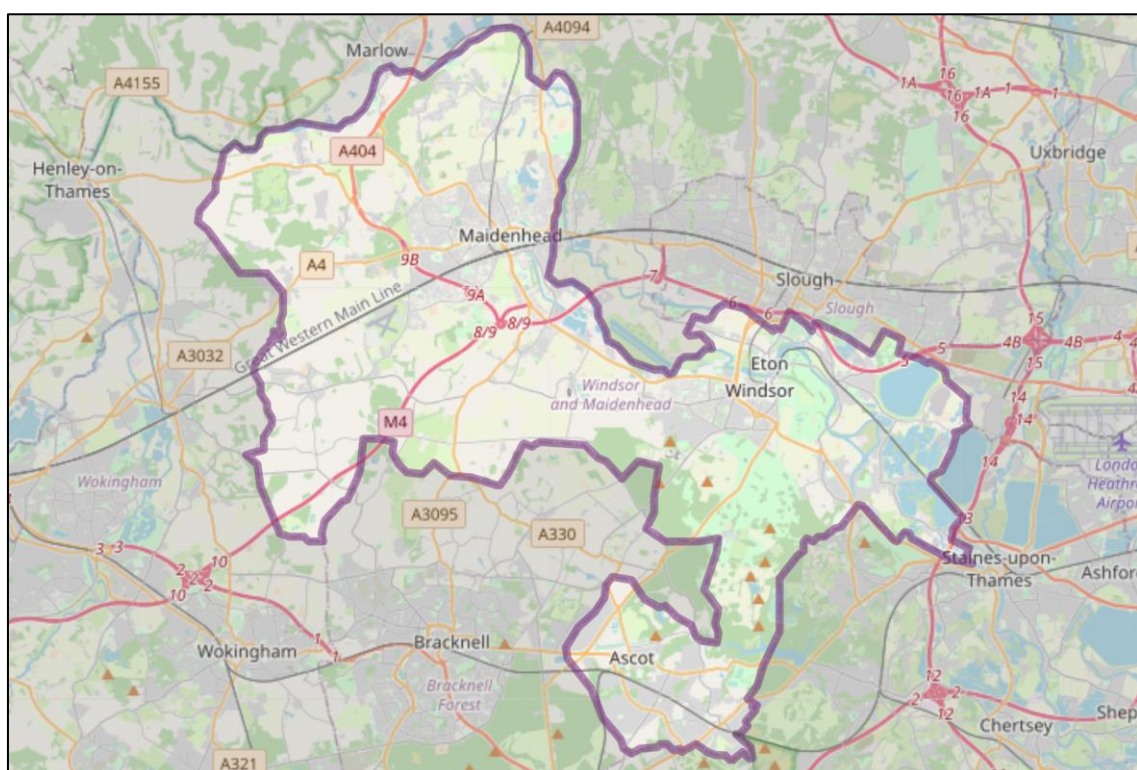


Figure 2-1 Geographic extent of RBWM EP Scheme (1) area

2.1.3 Any changes to this boundary will represent an EP Scheme (1) Variation, to be agreed in accordance with the bespoke arrangements for varying or revoking the EP Scheme (see section 5.4.6).

2.1.4 The RBWM EP Scheme (1) includes all Qualifying Bus Services, which are those Registered Local Bus Services operating within the RBWM boundary, except those that are Exempted Services (see also EP Scheme Section 2.3).

2.2 EP Scheme (1) duration

2.2.1 This EP Scheme (1):

- is made on 24 October 2022;

- comes into effect on the 24 October 2022 (the “Commencement Date”);
- will have no specific end date but will be reviewed by the RBWM EP Board no less frequently than every 12 months; and
- will remain valid until revoked.

2.3 Qualifying Bus Services

2.3.1 A Qualifying Bus Services is a Registered Local Bus Service with one or more stopping place within the geographical area of the RBWM EP Scheme (1), unless identified as an Exempted Service (see section 2.4).

2.3.2 For the avoidance of doubt, a list of Qualifying Bus Services will be published at the start of each RBWM financial year. The current list of Qualifying Bus Services is held in 7.1.2Annex 2-B.

2.4 Exempted Services

2.4.1 The following services are exempt from the requirements of the EP Scheme (1):

- Any schools or works Registered Local Bus Service not eligible for Bus Service Operators Grant.
- Any cross-boundary Registered Local Bus Service with less than 10% of its registered mileage within the EP Scheme (1) area.
- Any services operated under section 22 of the Transport Act 1985.
- Any Registered Local Bus Service which is an excursion or tour.
- Any other Registered Local Bus Service that the RBWM EP Board through its voting mechanism decide should be excluded from all or specific requirements of the RBWM EP Scheme (1).

3 Obligations and requirements on the RBWM

3.1 General

- 3.1.1 This section identifies the specific interventions (i.e. Facilities and Measures) that RBWM will deliver as part of this EP Scheme (1).
- 3.1.2 The implementation of any other Facilities or Measures identified in the RBWM EP Plan not identified in this EP Scheme shall be subject to the availability of funding and further due diligence, and shall be subject to the bespoke arrangements for varying or revoking the EP Scheme (1) (see EP Scheme section 5.4.6).

3.2 Committed Facilities

- 3.2.1 This section should be read in conjunction with 7.1.2 Annex 2-D which includes a schedule of Facilities, the funding of which has been committed by RBWM.
- 3.2.2 Table 2-1 below identifies the Facilities that RBWM will provide over the short-term and as part of the EP Scheme.

Table 2-1 Committed Facilities

Short-term (<12m)

Creation of a 'RBWM Buses' website

Investment in technology for operators to improve bus punctuality data

- 3.2.3 RBWM will make the Committed Facilities available (as detailed in Annex 2-D) to Qualifying Bus Services and maintain and procure the maintenance of the Facilities from the Commencement Date, until the date the Scheme ceases to have effect. For the avoidance of doubt RBWM will not restrict use of the Committed Facilities by Exempted Services.
- 3.2.4 EP Scheme paragraph 3.2.3 shall not apply in relation to any Qualifying Bus Service using a Committed Facility for any period during which RBWM is temporarily unable to fulfil its obligations, in respect of that Committed Facility, due to circumstances beyond its control.
- 3.2.5 In such circumstances RBWM shall notify any Bus Operator affected by the inability of RBWM to meet its obligations in respect of that Committed Facility, confirming the reason for such inability and the anticipated period during which the Committed Facility will not be available or the Committed Facility is not being provided in compliance with RBWM's obligations.

3.2.6 The Committed Facilities are to be maintained (subject to any variation or circumstances referred to in EP Scheme paragraph 3.2.5) for the duration of the EP Scheme in accordance with existing standards of maintenance generally applied by RBWM in its management of local transport assets.

3.2.7 Creation of a ‘RBWM Buses’ website

3.2.7.1 RBWM will fund the design, procurement and launch of a new ‘RBWM Buses’ website from internal resources.

3.2.7.2 The first launch of the new ‘RBWM Buses’ website will contain, initially, amongst other information:

- service timetables for all Registered Local Bus Services in operating with RBWM for download or interrogation;
- maps to illustrate main towns, villages and roads served, and a network overview map;
- fares information; and
- news and events information.

3.2.8 RBWM will work with Bus Operators to agree a common specification for the pooling and sharing data and information necessary for launch the ‘RBWM Buses’ website (see also EP Scheme paragraph 3.2.9). Thereafter, RBWM will continue to engage with other members of the RBWM EP to evolve the website to include, amongst other information:

- a journey planning tool; and
- access to real time information.

3.2.8.1 The first release of the ‘RBWM Buses’ website will be launched as soon as possible and no later than 31 March 2023 and reviewed periodically thereafter.

3.2.8.2 Any changes to the detailed specification of the new ‘RBWM Buses’ website and a delivery plan to implement its further development shall be subject to the bespoke arrangements for varying or revoking the EP Scheme (1) (see EP Scheme section 5.4.6).

3.2.9 Investment in technology to improve bus punctuality data

3.2.9.1 RBWM will fund up to £50,000 to invest in technology for operators with the objective of improving the timeliness and efficacy of bus punctuality data.

3.2.9.2 RBWM will work with Bus Operators to agree a common specification for the pooling and sharing of bus stop arrival and departure times to provide the right

evidence base for the Enhanced Partnership to identify, prioritise and plan potential infrastructure improvements to improve the punctuality of services.

- 3.2.9.3 The investment in technology for Bus Operators to improve bus punctuality data will be made as soon as possible and no later than 31 March 2023.
- 3.2.9.4 The detailed specification of the investment in technology and a delivery plan for its deployment shall be subject to the bespoke arrangements for varying or revoking the EP Scheme (1) (see EP Scheme section 5.4.6).

3.3 Committed Measures

- 3.3.1 This section should be read in conjunction with 7.1.2 Annex 2-E which includes a schedule of Measures, the funding of which has been committed by RBWM.
- 3.3.2 Table 2-2 below identifies the Measures that RBWM will undertake over the short to medium-term and as part of the EP Scheme (1).

Table 2-2 Committed Measures

<p><u>Short-term (<12m)</u></p> <p>Undertake a review of the RBWM bus network</p> <p>Create an RBWM bus passenger charter</p> <p>Provide continued funding of the existing supported services provision through 2022/23]</p>
<p><u>Medium-term (12-36m)</u></p> <p>Provide funding of supported services (potentially adjusted further to the network review) at current levels through 2023/24 and 2024/25]</p>

- 3.3.3 RBWM shall continue to take and where relevant commence to take the Committed Measures provided for in this EP Scheme subject to any temporary inability to take the relevant Committed Measure due to circumstances beyond the control of RBWM.

3.3.4 Undertake a review of the RBWM bus network

- 3.3.4.1 RBWM will fund a review of the RBWM bus network from internal resources.
- 3.3.4.2 RBWM will work with Bus Operators to identify and unlock any uncovered demand, ensuring key developments, estates and workplaces have an option of taking the bus.
- 3.3.4.3 The review of the RBWM bus network will be completed as soon as possible and no later than 30 September 2022.

- 3.3.4.4 Any changes to the detailed specification of the Review of RBWM bus network shall be subject to the bespoke arrangements for varying or revoking the EP Scheme (1) (see EP Scheme section 5.4.6).

3.3.5 Create an RBWM Bus Passenger Charter

- 3.3.5.1 RBWM will fund the development and publication of a RBWM bus passenger charter from internal resources.
- 3.3.5.2 Publication of the RBWM bus passenger charter will be completed as soon as possible and no later than 31 March 2023.
- 3.3.5.3 Any changes to the detailed specification of the Review of RBWM bus network shall be subject to the bespoke arrangements for varying or revoking the EP Scheme (1) (see EP Scheme section 5.4.6).

3.3.6 Fund existing supported bus services in 2022/23

- 3.3.6.1 RBWM will fund not less than £870,000 in the continued provision of supported bus services within the area of the RBWM Scheme (1) through financial year 2022/23. The current list of existing supported services is held in 7.1.2 Annex 2-C.
- 3.3.6.2 RBWM is minded to maintain the current supported services routes unchanged through to at least 31 March 2023, pending the outcome of the 'review of the RBWM bus network' (see EP Scheme section 3.3.4).
- 3.3.6.3 However, as existing contracts with Bus Operators for the provision of supported service routes become due for renewal, re-negotiation or re-tendering, RBWM reserves the right to adjust the overall package of supported services provision so that the total cost to RBWM remains affordable with prevailing budgets.

3.3.7 Fund adjusted supported bus services in 2023/24 and 2024/25

- 3.3.7.1 RBWM will fund not less than £870,000 in the continued provision of supported bus services within the area of the RBWM Scheme (1) through financial years 2023/24 and 2024/25.
- 3.3.7.2 Following completion of the 'review of the RBWM bus network' (see EP Scheme section 3.3.4), RBWM will work with Bus Operators to identify potential improvements to the supported services routes in order to improve the overall offering to bus users, subject to remaining affordable within prevailing budgets.
- 3.3.7.3 It is expected that any changes in the provision of supported services will be undertaken when existing Bus Operator contracts fall due for renewal, re-negotiation or re-tendering.

3.4 Conditions of use

- 3.4.1 A Bus Operator of a Qualifying Bus Service may only use the Facilities in the Scheme Area if each Qualifying Bus Service is provided by that Bus Operator to

the standards of service set out in EP Scheme section 4 except for any period during which that Bus Operator is in respect of one or more local services temporarily unable to do so owing to circumstances beyond its control, provided that RBWM is notified in writing as soon as practicably possible as to the reasons and period of such non-compliance.

- 3.4.2 Any Bus Operator of a Qualifying Bus Service who fails to comply with EP Scheme paragraph 3.4.1 above (including failing to give any undertaking required by the Traffic Commissioners in relation to the registration of any new or variation to an existing service) may be subject to action by the Traffic Commissioner in accordance with section 26 (Conditions attached to PSV operator's licence) of the Transport Act 1985 and section 155 of the TA 2000.

4 Obligations and requirements in respect of Qualifying Bus Services

4.1 General

4.1.1 This section describes the obligations and requirements on any operator of Qualifying Bus Services will be required to meet as part of this EP Scheme (1).

4.1.2 The implementation of any other obligations and requirements on any operator of Qualifying Bus Services shall be subject to the availability of funding and further due diligence, and shall be subject to the bespoke arrangements for varying or revoking the EP Scheme (1) (see EP Scheme section 6).

4.2 Vehicle standards

4.2.1 Any new vehicles purchased to form part of the fleet of a Bus Operator providing Qualifying Bus Services within the RBWM EP Scheme (1) area that are first registered on or after the Commencement Date must satisfy the minimum requirements for vehicle type as set out in Table 2-3 below. This requirement shall also extend to cascaded vehicles introduced by a Bus Operator providing Qualifying Bus Services within the RBWM EP Scheme (1) area after the Commencement Date, subject to paragraphs 4.2.4 and 4.2.5.

Table 2-3 Vehicle type(s) – minimum requirements for Qualifying Bus Services as a percentage of new vehicle purchases for RBWM Qualifying Bus Services

		Actual	Minimum	Minimum
		BASELINE	from 01/04/22	from 01/04/25
Vehicle type(s):	Pre Euro IV	9.5%	0.0%	0.0%
	Euro IV	0.0%	0.0%	0.0%
	Euro V	21.5%	0.0%	0.0%
	Euro VI	59.5%	100.0%	100.0%
	Hybrid	9.5%	0.0%	0.0%
	Zero Emissions	0%	0.0%	0.0%

4.2.2 For the avoidance of doubt, Zero Emissions vehicles shall be considered an acceptable alternative to a Hybrid vehicle, and similarly a Hybrid vehicle shall be considered an acceptable alternative to a Euro VI vehicle.

4.2.3 The existing vehicle fleets of each Bus Operator providing Qualifying Bus Services within the RBWM EP Scheme (1) area must satisfy the minimum overall

requirements for vehicle technology and passenger experience as set out in Table 2-4 below. For the avoidance of doubt, the ‘Minimum by 31/05/25’ identified in Table 2-4 shall be subject to the sufficiency and availability of funding: (1) further to EP Scheme section 3.2.9; (2) as part of Bus Operator investment programs; and/or (3) from other sources agreed by the RBWM EP.

Table 2-4 Vehicle technology and passenger experience – minimum requirements for Qualifying Bus Services as a percentage of all fleet vehicles for RBWM Qualifying Bus Services

	Actual	Minimum	Minimum
	BASELINE	by 31/03/25	By 31/03/30
CCTV Installed (inside and forward facing)	98.7%	100.0%	100.0%
Free onboard WiFi provision	67.7%	n/a	n/a
Free onboard USB power provision	67.7%	65.0%	100.0%
'Automatic vehicle location' equipment (to feed real time information systems)	68.4%	80.0%	100.0%
Onboard audio announcements	40.5%	65.0%	100.0%
Onboard announcements (via induction hearing loops at wheelchair/priority seats)	1.3%	n/a	80.0%
Onboard visual next stop display	41.1%	65.0%	100.0%
Onboard ability for contactless ticketing	98.7%	100.0%	100.0%

4.2.4 Should circumstances make it in the passenger interest to consider a relaxation to any of the requirements in respect of Qualifying Bus Services (for example, to permit a new service trial using vehicles that do not meet the prevailing minimum requirements before committing to new vehicle purchases), relaxations will be considered on a case-by-case basis by the RBWM EP.

4.2.5 The minimum fleet requirements set out in Table 2-3 and Table 2-4 as they apply to cascaded vehicles shall not apply to existing Qualifying Bus Service routes where the majority of the fleet mileage on that route is outside of the RBWM EP Scheme (1) area. In such circumstances, the Operator of such routes shall use all reasonable endeavours to meet the minimum fleet requirements set out in

Table 2-3 and Table 2-4, but shall only commit to ensure that any cascaded vehicle introduced onto such a route will equal or exceed the standard of vehicle that it replaces.

4.3 Inter-operable ticketing scheme

4.3.1 The position of the RBWM within wider bus networks beyond its boundary make it difficult to develop and promote an RBWM-specific multi-operator ticket. Therefore, RBWM intends to work with Bus Operators to gain agreement on accepting one another's tickets for travel within the RBWM area.

4.3.2 Bus Operators providing Qualifying Bus Services within the EP Scheme (1) area agree to engage with RBWM to agree what can be achieved with or without funding, with the aim of introducing at least some improvement on the current offer by 31 March 2023.

5 Governance Arrangements

5.1 General

5.1.1 For decision-making purposes, the RBWM EP will be governed by two primary bodies:

- RBWM EP Forum – will be the wider stakeholder engagement body of the RBWM EP, providing guidance only to the RBWM EP Board; and
- RBWM EP Board – will be the decision-making body of the RBWM EP, providing oversight and governance to RBWM EP Plan and EP Scheme(s). It will make decisions on issues put it by the RBWM EP Forum and on any other issues from any source which the RBWM EP Board considers relevant to EP delivery.

5.1.1.1 RBWM will explore the potential for establishing a single Berkshire EP Forum to replace the RBWM EP Forum and other EP Forums established within Berkshire. If agreed, changes to the governance arrangements shall be subject to the bespoke arrangements for varying or revoking the EP Scheme (1) (see EP Scheme section 5.4.6).

5.2 RBWM EP Forum

5.2.1 Purpose

5.2.1.1 The RBWM EP Forum will provide opportunities for discussing issues of all kinds affecting the RBWM and wider Berkshire bus network.

5.2.1.2 Amongst other matters, the RBWM EP Forum will consider the performance, current status and forward look of each of the RBWM EP Plan and EP Scheme(s), placing a particular emphasis on those issues with cross boundary impacts

where the co-ordination and/or alignment of Facilities, Measures and/or Bus Operator Obligations would be advantageous.

5.2.1.3 The RBWM EP Forum will consult with and build consensus across the various stakeholders (including passengers) and make recommendations for decisions to the RBWM EP Board and, where appropriate, other EP governance bodies within Berkshire.

5.2.2 Membership

5.2.3 Membership of the RBWM EP Forum will comprise members of the RBWM EP Board (see EP Scheme (1) section 5.3) and representatives of neighbouring local authorities, other Bus Operators and key stakeholder organisations with an interest in the successful development of bus services across RBWM.

5.2.4 In addition, from time to time other external organisations may be invited to join the RBWM EP Forum on an advisory basis for fixed periods to provide specialist expertise.

5.2.5 The meetings will not be open to members of the public.

5.2.6 General passenger interests will be represented at the RBWM EP Forum by Transport Focus. Specific passenger interests will be raised in the normal way with the relevant local authority and, where appropriate, represented at the RBWM EP Forum by the relevant local authority Cabinet Member.

5.2.7 At the date of this EP Scheme (1), membership of the RBWM EP Forum is set out in Table 2-5 below.

Table 2-5 RBWM EP Forum membership

Entity	Membership
<u>RBWM EP Board members:</u>	
RBWM officer + Cabinet Member	2No.
Arriva Buses	1No.
Bear Buses	1No.
First Bus	1No.
Reading Buses	1No.
Red Eagle Buses	1No.
Thames Valley Buses	1No.
White Bus	1No.
<u>Neighbouring Local Authorities:</u>	

Entity	Membership
Bracknell Forest Council officer	1No.
Reading Borough Council officer	1No.
Slough Borough Council officer	1No.
West Berkshire Council officer	1No.
Wokingham Borough Council officer	1No.
<u>Local transport operators:</u>	
Great Western Railway	1No.
Heathrow Airport Limited	1No.
South Western Railway	1No.
<u>Local business representatives:</u>	
Thames Valley Berkshire LEP	1No.
<u>Passenger Groups:</u>	
Transport Focus	1No.

5.2.8 Meeting arrangements

- 5.2.8.1 RBWM EP Forum meetings will typically take place twice per year and not less than once a year. Where possible, they will be scheduled at regular intervals between each RBWM EP Board meeting.
- 5.2.8.2 RBWM EP Forum meetings will be arranged, chaired and minutes taken by RBWM.
- 5.2.8.3 RBWM EP Forum meetings will normally be held in person at the offices of RBWM in Maidenhead. Where feasible and appropriate, meeting venues may be changed to the premises of a Bus Operator or such other location to support the understanding of key issues at hand. Where necessary and appropriate, meetings may be held virtually.
- 5.2.8.4 Agendas and meeting papers (including a copy of minutes and actions taken at the previous RBWM EP Forum) will be circulated no less than one week in advance of each meeting. Draft minutes will be circulated no more than two weeks after each meeting. Draft minutes will be approved at the next RBWM EP Forum meeting.
- 5.2.8.5 Copies of all RBWM EP Forum agendas, papers and minutes will be shared with the chair of the RBWM EP Board so that any issues or concerns can be raised at the next RBWM EP Board meeting.

- 5.2.8.6 The meeting length will vary according to agenda content but will ordinarily be expected to last between one and two hours.

5.2.9 Annual General Meeting (AGM)

5.2.9.1 The final RBWM EP Forum meeting of each financial year will be the designated RBWM EP Forum AGM. All members will be invited to self-nominate or nominate other willing participants for RBWM EP Forum membership. Nominations will be approved on the basis of a simple majority vote.

5.2.10 Decision making

5.2.10.1 The RBWM EP Forum is advisory only and has no powers over the decisions of the RBWM EP Board.

5.3 RBWM EP Board

5.3.1 Purpose

5.3.1.1 The RBWM EP Board will be the decision-making body of the RBWM Enhanced Partnership (EP). It will provide oversight and governance to RBWM EP Plan and EP Scheme.

5.3.1.2 The RBWM EP Board will make decisions on issues put to it by the RBWM EP Forum and on any other issues from any source which the RBWM EP Board considers relevant to EP delivery.

5.3.2 The RBWM EP Board may establish committees or working groups to undertake specific tasks and for specific periods of time to inform the decision making of the RBWM EP Board.

5.3.3 The role of the RBWM EP Board is to:

- Provide a forum to raise, discuss and consider issues relating to the effective provision of bus services.
- Facilitate and ensure open, honest and productive discussion relating to the Enhanced Partnership as necessary.
- Work with stakeholders and interested parties to exchange information and ideas, with the intention of improving public transport provision and increasing bus patronage.
- Take ownership of the RBWM BSIP and to oversee its implementation, ensuring that it is reviewed annually. Monitor progress towards the targets of the BSIP, reporting on these regularly and in line with DfT requirements.
- Ensure adherence to the commitments and requirements set out in the EP Plan and Scheme(s).

- Be responsible for maintaining the RBWM EP Plan and associated EP Scheme(s).
- 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 so doing.
- Establish, oversee and direct the activities of any committees and working groups as appropriate.

5.3.3.1 Certain decisions of the RBWM EP Board may constitute EP Scheme Variations pursuant to section 5.4.6 of this EP Scheme (if the requirements therein are met).

5.3.4 Duration

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

5.3.6 Membership and voting rights

5.3.7 Membership of RBWM EP Board will comprise nominated representatives of RBWM and of each Bus Operator providing Qualifying Bus Services within the RBWM EP Scheme (1) area.

5.3.8 Any Bus Operator providing or about to commence operation of a Qualifying Bus Service within the RBWM EP Scheme (1) area will be entitled to nominate a representative to the RBWM EP Board. Any Bus Operator ceasing to provide a Qualifying Bus Service within the RBWM EP Scheme (1) will lose their right to nominate a representative to the RBWM EP Board unless there is a reason to continue by invitation as an observer.

5.3.9 Bus Operators who are members of the RBWM EP Board will be granted a single voting right provided that, either:

- the total annualised fleet mileage (see also 7.1.2 Annex 2-F) of all Qualifying Bus Services provided by the Bus Operator within the RBWM EP Scheme (1) area is greater than 5% of the total annualised fleet mileage of all Qualifying Bus Services provided by all Bus Operators within the RBWM EP Scheme (1); or
- the total annualised fleet mileage of commercial Qualifying Bus Services provided by the Bus Operator within the RBWM EP Scheme (1) area is greater than 5% of the total annualised fleet mileage of all commercial Qualifying Bus Services provided by all Bus Operators within the RBWM EP Scheme (1).

- 5.3.10 Bus Operators who are members of the RBWM EP Board will be granted a second voting right provided that, either:
- the total annualised fleet mileage (see also 7.1.2Annex 2-F) of all Qualifying Bus Services provided by the Bus Operator within the RBWM EP Scheme (1) area is greater than 50% of the total annualised fleet mileage of all Qualifying Bus Services provided by all Bus Operators within the RBWM EP Scheme (1); or
 - the total annualised fleet mileage of commercial Qualifying Bus Services provided by the Bus Operator within the RBWM EP Scheme (1) area is greater than 50% of the total annualised fleet mileage of all commercial Qualifying Bus Services provided by all Bus Operators within the RBWM EP Scheme (1).
- 5.3.11 In circumstances where two or more Bus Operators are part of the same holding company or group, for the purposes of determining the voting rights in accordance with EP Scheme paragraphs 5.3.9 and 5.3.10, their fleet mileages shall be aggregated and the voting right(s) attributed to the holding company.
- 5.3.12 At the date of this EP Scheme (1), membership of the RBWM EP Board and the associated voting rights are set out in Table 2-6 below.

Table 2-6 RBWM EP Board membership and voting rights

Entity	Membership	Voting rights
RBWM	full member (chair)	1No. (incl. affirmative vote and veto)
RBWM	non-voting member	-
Arriva Buses	full member	1No.
Bear Buses	non-voting member ¹	-
First Bus	full member	1No.
Reading Buses	full member	2No.
Red Eagle Buses	non-voting member ²	-

¹ *Bear Buses provide supported services only to RBWM with a total annual mileage of less than 5% of total annual Qualifying Bus Service mileage and as such shall not be entitled to voting rights as part of the RBWM EP Board, but shall have rights of an observer with ‘full-voice but no voting rights’.*

² *Red Eagle Buses provides commercial services only to RBWM with a total annual mileage of less than 5% of total annual Qualifying Bus Service mileage and as such shall not be entitled to voting rights as part of the RBWM EP Board, but shall have rights of an observer with ‘full-voice but no voting rights’.*

Thames Valley Buses	non-voting member ³	-
White Bus	full member	1No.

5.3.13 Quorum requirements

5.3.13.1 Board meetings will require a quorum of:

- 1No. RBWM voting member (chair)
 plus
- at least 50% of Bus Operator voting members

5.3.13.2 A nominated representative of a Bus Operator may, if necessary, arrange for an alternate or deputy to attend an RBWM EP Board meeting in their place.

5.3.14 Voting

5.3.14.1 Decisions of RBWM EP Board will be made by way of a vote through a show of hands.

5.3.14.2 Unless stated otherwise in this document, decisions will be passed by way of a simple majority of all voting members who vote including the affirmative vote of the RBWM voting member (chair) which shall not be unreasonably withheld, subject only to the RBWM veto as set out in section 5.3.15.

5.3.14.3 A voting member of a Bus Operator who does not attend an RBWM EP Board meeting and who does not either: (i) arrange for an alternate or deputy to attend and vote in their place; or (ii) does not arrange for a proxy vote, or who does not exercise their right to vote when present, will be deemed to have abstained from the vote and be bound by the outcome of the vote, subject only to paragraph 5.3.14.4.

5.3.14.4 Bus Operators will be entitled to make known their concerns in writing to the Chair of the RBWM EP Board if they object to a particular vote within 14 days of issue of the draft minutes of the meeting at which the vote was taken. The Chair of the RBWM EP Board will review the circumstances, taking independent advice as may be appropriate, to consider whether the circumstances are such that use of the RBWM veto is required (as provided for in section 5.3.15).

³ *In March 2019 Reading Buses acquired Courtney Buses which includes Thames Valley Buses, both of whom operate services within the RBWM EP Scheme Area. As such, Thames Valley Buses shall not be entitled to voting rights as part of the RBWM EP Board, but shall have rights of an observer with ‘full-voice but no voting rights’.*

5.3.15 RBWM veto

- 5.3.15.1 RBWM may, in exceptional circumstances, exercise a veto over RBWM EP Board decisions which it may reasonably believe or suspect as having anti-competitive implications, or being otherwise significantly against the public interest.
- 5.3.15.2 The RBWM veto exists to ensure that the voting system does not allow an individual Bus Operator to influence the EP to its own commercial benefit or to harm competitors; there is no opportunity for a group of Bus Operators to vote in a co-ordinated manner to mutual benefit on a sustained basis; there is no discrimination between Bus Operators; and that actual or potential competition, entry to new services and by new Bus Operators, or innovation, is not inhibited.
- 5.3.15.3 RBWM may exercise a veto over RBWM EP Board decisions that it reasonably believes to be unfunded or unaffordable.
- 5.3.15.4 The RBWM veto cannot be used either directly or indirectly to impose a new spending commitment on Bus Operators.

5.3.16 Non-voting members

- 5.3.16.1 Any members of the RBWM EP Forum Meeting not already represented on the RBWM EP Board will at the invitation of the Chair of the RBWM EP Board be able to attend RBWM EP Board meetings as a non-voting member. Non-voting members may be invited to make comments or ask questions of the RBWM EP Board at the Chair's discretion, or invited to defer these until the next RBWM EP Forum meeting.
- 5.3.16.2 At the Chair's discretion, non-voting members may be asked to leave the meeting during the discussion of agenda items considered to be commercially sensitive.

5.3.17 Meeting arrangements

- 5.3.17.1 RBWM EP Board meetings will be arranged, chaired and minutes taken by a representative of RBWM.
- 5.3.17.2 RBWM EP Board meetings will take place at least twice per year. Where possible, they will be scheduled at regular intervals between each RBWM EP Forum meeting. Additional meetings may be called as necessary to take decisions which in the opinion of the Chair cannot be deferred to a scheduled meeting, provided that a quorum can be achieved, with not less than one week's notice being given.
- 5.3.17.3 RBWM EP Board meetings will normally be held in person at the offices of RBWM in Maidenhead. Where feasible and appropriate, meeting venues will be changed to the premises of a Bus Operator or such other location to support the

understanding of key issues at hand. Where necessary and appropriate, meetings may be held virtually.

- 5.3.17.4 Agendas and meeting papers (including a copy of minutes and outcomes of decisions taken at the previous RBWM EP Board) will be circulated no less than one week in advance of each meeting. Draft minutes will be circulated no more than two weeks after each meeting. Draft minutes will be approved at the next RBWM EP Board meeting.
- 5.3.17.5 Copies of all RBWM EP Board agendas, papers and minutes will be shared with RBWM EP Forum members for information only. Any content identified as being of a commercially sensitive nature will be removed or redacted prior to sharing.
- 5.3.17.6 The meeting length will vary according to agenda content but will ordinarily be expected to last between one and two hours.

5.4 Review of an EP Scheme

- 5.4.1 Once an EP Scheme is made, it will be reviewed by the RBWM EP Board annually, following the review of the BSIP. RBWM will initiate each review and it will take no longer than 2 months to complete.
- 5.4.2 The review will include consideration of the:
- arrangements for consulting passenger representatives on the effectiveness of the EP; and
 - objectives set for improving the quality and effectiveness of bus services.
- 5.4.3 Feedback from the public and interested stakeholders on the effectiveness of the EP and delivery of BSIP objectives and ambition, will be encouraged on a continuous basis through existing engagement channels, such as community and neighbourhood forums. Equally, once published the Bus Passenger Charter will encourage feedback on all aspects of bus service provision and will promote the webpage containing details of the BSIP and EP and associated monitoring reports. There will be an opportunity for anyone visiting that page to provide comments.
- 5.4.4 All feedback and comments will be used to inform the annual review of the BSIP and any subsequent amendments to the EP.
- 5.4.5 Monitoring reports for the BSIP will be produced every 6 months to demonstrate progress towards the objectives and targets set.
- 5.4.6 These will be made available on the dedicated area of RBWM's website. Feedback from all sources will be collated and considered at each meeting of the EP Board.

6 Bespoke Arrangements for Varying or Revoking an EP Scheme

6.1 Variations to the EP Scheme

- 6.1.1 Under powers at s.138E of the Transport Act 2000, EP Scheme Variations where this section is quoted will be subject to the bespoke voting mechanism also as set out in this EP Scheme Section 5.3.14.
- 6.1.2 Changes to or new flexibility provisions added to the EP Scheme under s.138E of the Transport Act 2000 shall only be included in the EP scheme if they satisfy the statutory objection mechanism as set out in The EP Plans and Schemes (Objections) Regulations 2018.
- 6.1.3 Consideration will be given to potential EP Scheme Variations raised by one or more of the representatives on the EP Board. The proposer of a variation should demonstrate how this might contribute to achieving the objectives set out in the BSIP, EP Plan and current local transport policies. Such requests should be set out in writing and submitted to the Chair of the EP Board who shall forward all requests onto all RBWM EP Board members within 5 working days.
- 6.1.4 On receipt of a valid request for a variation under this section, the chair of the RBWM EP Board will reconvene the RBWM EP Board, giving at least 14 days' notice for the meeting, to consider the proposed variation. If the proposed variation is agreed by all Bus Operator representatives present, and if RBWM also agrees, RBWM will make the EP Scheme variation, subject to the approval of the RBWM Council. RBWM EP Board members not represented at the meeting or not expressing a view at the meeting (either in person or in writing) will be deemed to be abstaining from the decision.
- 6.1.5 If there is not full agreement of all parties present, then the proposed variation will be put to the operator objection mechanism, but with a reduced objection period of 14 days replacing Part 2 of the Transport Act 2000 section 138L (2) (c). The proposed variation will be advertised on the Council's website and emailed to operators of Qualifying Bus Services in the EP Scheme area. If the proposed variation passes the operator objection mechanism, the Council will make the EP Plan Variation, subject to the approval of the Council.

6.2 Revocation of the EP Scheme

- 6.2.1 If RBWM or another member of the RBWM EP Board believes it is necessary to revoke the EP Scheme, the RBWM EP Board will be reconvened and follow the same process as outlined in the section 6.1 'Variations to an EP Scheme' (noting that the agreement will be for revocation and not variation).
- 6.2.2 If, for some reason, the EP Plan is revoked at any time, the EP Scheme would automatically be revoked, as it cannot exist without an associated EP Plan in

place. Equally, if this EP Scheme (1) (and in the absence of any other Schemes) was revoked, the EP Plan would automatically be revoked, as it cannot exist without a Scheme.

- 6.2.3 If at any point in the future the EP Scheme area is included in a Bus Franchising Area, the relevant requirements set out in this EP Scheme document will cease to apply from the commencement date of the Franchising Scheme.

7 Competition

- 7.1.1 The RBWM Enhanced Partnership has been subject to the Competition Test as set out in Part 1 of Schedule 10 of the Transport Act 2000. The assessment, undertaken by RBWM concluded that there will be no adverse impact on competition. The implementation of an Enhanced Partnership Plan and associated Scheme is aimed at delivering improvements to bus services for passengers in a deregulated environment. The Enhanced Partnership will not impact on competition, as operators will be free to amend and introduce services in the area, provided that the standards that apply to all operators are met.
- 7.1.2 For the avoidance of doubt, this EP Plan and Scheme has not been cleared by the CMA (Competition and Markets Authority) providing legal assurance that there will be no adverse impact for competition or that the EP Plan and Scheme is compliant with competition law.

Annex 2-A Definitions

1985 Act	Transport Act 1985
2000 Act	Transport Act 2000
2017 Act	Bus Services Act 2017
Borough	Royal Borough of Windsor and Maidenhead
BSIP (or RBWM BSIP)	Bus Services Improvement Plan
Bus Operators (or Operators)	All providers of Qualifying Bus Services
Bus Strategy	As articulated in the Bus Services Improvement Plan
CCTV	Closed circuit television system, whereby static or mobile cameras are used to record offences or for surveillance and safety and security purposes.
Commencement Date	01 April 2022
Council	Royal Borough of Windsor and Maidenhead
EP	Enhanced Partnership
EP Scheme (1)	RBWM EP Scheme (1)
EP Scheme Area	Area to which this EP Scheme document applies.
EP Scheme Variation	<p>This comprises either:</p> <p>A formal variation of the relevant EP Scheme as a result of the voting mechanism set out in the relevant EP Scheme.</p> <p>or</p> <p>An agreement signed by all relevant parties drawn up as a result of discussions between one or more Operators and the Borough, where both sides agree to perform agreed actions specified in such agreement, as set out in the (“EP Scheme Variation Agreement”).</p> <p>Each of which will then constitute a formal variation of the relevant Scheme for the purposes of s.138E(1) of the 2000 Act.</p>
Euro VI equivalent standards	Euro VI diesel bus or a bus with CVRAS approved technologies retrofitted to a diesel bus to reduce NOx and PM emissions and achieve Euro VI equivalent standard

Exempted Services	<p>The following services are Exempted Services:</p> <ul style="list-style-type: none"> • Any schools or works Registered Local Bus Service not eligible for Bus Service Operators Grant • Any cross-boundary Registered Local Bus Service with less than 10% of its registered mileage within the EP Scheme (1) area • Any services operated under section 22 of the Transport Act 1985 • Any Registered Local Bus Service which is an excursion or tour • Any other Registered Local Bus Service that the RBWM EP Board through its voting mechanism decide should be excluded from all or specific requirements of the RBWM EP Scheme (1)
Facilities	<p>Physical assets that are provided at specific locations along particular routes (or parts of routes) within the EP scheme area or new and improved bus priority measures. This is deemed for such purposes of section 138D(1) of the Transport Act 2000.</p>
LEP	<p>Local Enterprise Partnership</p>
Local Transport Authority (LTA)	<p>Royal Borough of Windsor and Maidenhead</p>
Measures	<p>Those measures referred to in a Scheme shall be deemed as such for the purposes of s.138D(2) of the 2000 Act.</p> <p>Improvements with the aim of:</p> <p>Increasing the use of local bus service serving the routes to which the measures relate or ending or reducing a decline in their use; or Improving the quality of local bus service.</p>
Multi-Operator Ticketing	<p>Common fares and ticketing product applied and accepted by multiple operators.</p>
Non-qualifying Bus Service	<p>Services excluded from classification as Qualifying Bus Services.</p>

Qualifying Bus Service	<p>A Registered Local Bus Service with one or more stopping place within the geographical area of the RBWM EP Scheme (1), unless identified as an Exempted Service.</p> <p>A list of Qualifying Bus Services will be published at the start of each RBWM financial year.</p>
RBWM	Royal Borough of Windsor and Maidenhead
RBWM EP (or Enhanced Partnership or EP)	The EP covering the geographic extent of the administrative boundary of RBWM shown for identification purposes only edged green on the plan at Figure 2-1.
RBWM EP Board	The committee of selected RBWM Bus Operator representatives and RBWM representatives responsible for considering recommendations put forward by RBWM EP Forum and making decisions including specific EP Scheme Variations using the Bespoke Variation Mechanism.
RBWM EP Forum	The committee of all RBWM Bus Operators, RBWM representatives, and representatives of passenger groups, locals business, Local Enterprise Partnerships and neighbouring local authorities, responsible for considering all issues affecting RBWM EP, and making recommendations to RBWM EP Board in line with RBWM EP governance arrangements.
RBWM EP Plan	Document made pursuant to section 138A of the Transport Act 2000 and which is required to be in place for an EP Scheme to be made.
RBWM EP Scheme (1)	EP Scheme (1)
Real Time Information	Using technology to track the location of buses in real time. Information is transmitted to bus stops or devices to indicate to passengers the predicted arrival time at a particular point.
Registered Local Bus Service	As set out in Section 2 of the Transport Act 1985.
Requirements	Those requirements placed upon Bus Operators identified as such within a Scheme shall be deemed as such for the purposes of s.138C 2017 Act.
Schemes	RBWM Enhanced Partnership Schemes

Annex 2-B Schedule of RBWM Qualifying Bus Services at 1 April 2022

Operator	Route	Service Type	Area Served
White Bus	P1	Supported	Windsor park and ride
White Bus	W1	Supported	Windsor - Dedworth
White Bus	1	Supported	Windsor - Ascot
Thames Valley Buses	2	Commercial	Slough - Dedworth
Thames Valley Buses	3	Supported	Maidenhead
First Bus	4	Commercial	Maidenhead – Heathrow T5
Thames Valley Buses	7	Commercial	Maidenhead
Thames Valley Buses	8	Supported	Maidenhead
First Bus	8	Commercial	Slough – Heathrow T5
Thames Valley Buses	9	Supported	Maidenhead
Thames Valley Buses	15	Supported	Maidenhead – Windsor – Slough
Thames Valley Buses	16	Supported	Maidenhead – Windsor
Arriva	37	Commercial	High Wycombe – Maidenhead
Thames Valley Buses	53	Supported	Bracknell – Maidenhead – Wexham
Red Eagle	63	Commercial	Slough – Maidenhead
Red Eagle	68	Commercial	Slough – Maidenhead
Thames Valley Buses	127	Commercial	Maidenhead - Reading
Thames Valley Buses	234	Supported	Maidenhead
Thames Valley Buses	235	Supported	Maidenhead
Thames Valley Buses	238	Supported	Maidenhead
Thames Valley Buses	239	Supported	Maidenhead
Bear Buses	305	Supported	Staines - Colnbrook
Reading Buses	702	Commercial	Legoland – London
Reading Buses	703	Commercial	Bracknell – Heathrow T5

Annex 2-C Schedule of RBWM Supported Bus Services at 1 April 2022

Operator	Route	Area Served
Bear Buses	305	Staines - Colnbrook
Thames Valley Buses	3	Maidenhead
	8	Maidenhead
	9	Maidenhead
	15	Maidenhead – Windsor – Slough
	16	Maidenhead – Windsor
	53	Bracknell – Maidenhead – Wexham Park
	234/5	Maidenhead
	238	Maidenhead
	239	Maidenhead
White Bus	P1	Windsor park and ride
	W1	Windsor - Dedworth
	01	Windsor - Ascot

Annex 2-D Schedule of RBWM Committed Facilities

Facilities	Indicative funding requirement
<u>Short-term (<12m)</u>	
Create an RBWM bus webpage	Internal to RBWM
Make investment in technology for operators to improve passenger experience	c.£10,000 - £50,000

Annex 2-E Schedule of RBWM Committed Measures

Measures	Indicative funding requirement
<u>Short-term (<12m)</u>	
Undertake a review of RBWM bus network	Internal to RBWM
Create an RBWM bus passenger charter	Internal to RBWM
Provide continued funding of the existing supported services provision through 2022/23]	c.£870,000
<u>Medium-term (12-36m)</u>	
Provide funding of supported services (potentially adjusted further to the network review) at current levels through 2023/24 and 2024/25]	c.£870,000 per year

Annex 2-F Schedule of estimated weekly fleet mileages (miles/week)at 1 April 2022

Entity	Commercial services	Supported services	ALL SERVICES	Commercial services % of total of all services	All services % of total of all services
Arriva Buses	720	-	720	6.5%	3.5%
Bear Buses	-	200	200	0.0%	1.0%
First Bus	4,068	-	4,068	36.5%	19.5%
Reading Buses	3,849	-	3,849	34.5%	18.5%
Red Eagle Buses	12	-	12	0.1%	0.1%
Thames Valley	2,508	6,664	9,172	22.5%	44.0%
White Bus	-	2,805	2,805	0.0%	13.5%
ALL SERVICES	11,157	9,669	20,826	100.0%	100.0%