

From: Joel Cook, Democratic Services Manager

To: Cabinet – 6 September 2022

Subject: Cabinet reconsideration of Decision 22/00052 (KCC Supported Bus Funding Review)

Classification: Unrestricted

Electoral Division: All

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**Recommendation:**

Following the referral of Decision 22/00052 to Full Council for review, Cabinet must reconsider the decision, taking account of comments expressed by the Scrutiny Committee on 18 August 2022.

Cabinet may confirm, amend or rescind the decision.

**1. Introduction**

- a) On 18 August 2022, the Scrutiny Committee considered a call-in made by Mr Rich Lehmann and Mr Mike Sole of decision 22/00052 (KCC Supported Bus Funding Review). The decision maker was Mr David Brazier, Cabinet Member for Highways and Transport.
- b) The Scrutiny Committee considered the call-in reasoning, with explanations provided by both Members responsible for the call-in. Members debated the issues, including wider considerations related to the commercial bus network. It was highlighted by the Executive that the commercial withdrawals which had caused significant concern to Members and residents, were outside of the scope of the Key Decision being assessed as part of the call-in. Following the debate, the Scrutiny Committee agreed the following motion:
  - *That implementation of Decision 22/00052 be postponed pending review by the Full Council.*

Substantive motion to refer to Full Council:

- c) Mr Rayner, proposer of the motion, stated that the Department for Transport (DfT) in a 16 August letter, outlined a softening of the government's position on use of Bus Service Improvement Plan (BSIP) funding. He added that DfT had also recognised that local baselines for bus services may have changed.
- d) The motion was proposed with the explanation that the decision had a substantial impact on families, within a wider context of KCC's acceptance of BSIP funding and the decision of operators to close a significant number of commercial bus routes, many in rural areas. He stated that the issues were moving rapidly, with it clear that DfT were changing their view on how BSIP could be spent.

- e) Mr Rayner highlighted that County Council was not due to meet until mid-September and noted that there would be a new government from first week of September, which may impact government policy on funding. He asserted that officers needed to be given the opportunity to explore what additional options are available now that the impact of the decision was known, as expressed by the operators, in addition to their own commercial service withdrawals. He then added that the Decision had a significant impact on rural areas and deserved a fresh look since more was known of the consequences of that decision compared to when it was first taken.
- f) The issue was further debated following the motion being proposed and seconded. Comments expressed via the debate are summarised below:
- It was put forward that the environmental impact had not been fully taken into account. Concerns were raised in relation to the impact of the decision on traffic congestion. Further information was sought as to the environmental impact countywide and how many additional car journeys there would be countywide as a result of the decision. There had been reference to the additional car journeys anticipated in relation to one school in the decision making but countywide data was sought.
  - Members sought further clarification on the full funding options available to support services, such as those used to mitigate the retention of the Kent Karrier Service and a few specific bus routes.
  - Concerns were raised about health outcomes for those affected by the decision - as well as environmental considerations, further information was sought regarding residents seeking to access hospitals by bus.
  - Concerns were raised regarding the social impact of the decision and further information was sought on the impact on villages with no other public transport options. Members raised concerns regarding social isolation and loneliness for young people, people with disabilities and the elderly, with specific reference to the Social Isolation Select Committee.
  - Points were made regarding the rapidly changing situation since KCC's Budget was agreed in February. Since then, there had been war in Ukraine, inflation, the energy crisis and the cost of living crisis. The view was put forward that the decision would need to be reconsidered in light of these pressures.
  - It was suggested that the DFT were changing their views about how the BSIP could be used and that new funding streams could come forward with the new government in September.
  - It was queried whether there were legal repercussions to the decision being implemented when certain Members argued that there had been insufficient regard given to equality impact identified in the reports.
  - It was questioned whether an appropriate audit of school transport needs had been undertaken prior to the decision, in relation to the 1985 Transport Act.

- g) After the debate, the Committee resolved through majority vote to refer the matter to Full Council for review.

## 2. Review by Cabinet

- a) As a consequence of the Scrutiny Committee's decision, section 17.79 of the Constitution applies:

*“If the Scrutiny Committee refers a decision to the full Council, it shall be considered at the next meeting of the Council when the Council may either:*

- (a) agree the decision be implemented*
- (b) express comments but not require reconsideration of the decision, or*
- (c) require implementation of the decision to be postponed pending reconsideration of the matter by the Cabinet, taking into account the Council's comments.”*

- b) Section 17.80 of the Constitution requires that before a decision is reviewed by full Council, it must be formally reconsidered by Cabinet, in light of the comments made by the Scrutiny Committee. That provides an opportunity for the Executive to confirm, amend or rescind the decision before it is subject to any further debate by the wider Council membership.
- c) The outcome of Cabinet's reconsideration will be published and sent to all Members of the Council.

## 3. Recommendation:

Following the referral of Decision 22/00052 to Full Council for review, Cabinet must reconsider the decision, taking account of comments expressed by the Scrutiny Committee on 18 August 2022.

Cabinet may confirm, amend or rescind the decision.

## 4. Background Documents

Decision 22/00052 – KCC Supported Bus Funding Review:

- [22-00052 - Record of Decision](#)
- [22-00052 - Decision Report](#)
- [22-00052 - Appendix B - Consultation Report](#)
- [22-00052 - Appendix C - Service Summary](#)
- [22-00052 - Appendix D - EqlA](#)

Agenda, Scrutiny Committee, 18 August 2022: [Agenda for Scrutiny Committee on Thursday, 18th August, 2022, 10.00 am \(kent.gov.uk\)](#)

## **5. Report Author**

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