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TRANSPORT ACT 2000

The West Midlands Franchising Scheme for Buses [2025]

made [◆]

ARRANGEMENT OF THE SCHEME

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WHEREAS:

- A** The Transport Act 2000 (as amended) (the "**2000 Act**") makes provision for a franchising authority to make a franchising scheme covering the whole or any part of its area. The WMCA is a franchising authority as defined in the 2000 Act.
- B** The WMCA gave notice of its intention to prepare an assessment of a proposed scheme in accordance with sections 123B and section 123C(4) of the 2000 Act on 28 February 2020 (the "**Franchising Assessment**"). Having complied with the process as set out in the 2000 Act, the WMCA may determine to make the scheme in accordance with sections 123G and 123H of the 2000 Act.

NOW, therefore, the Mayor on behalf of the WMCA, in exercise of the powers conferred by sections 123G and 123H of the 2000 Act, and of all other enabling powers, hereby **MAKES THE FOLLOWING FRANCHISING SCHEME** (the "**Scheme**"):

1 CITATION AND COMMENCEMENT

- 1.1 This Scheme may be cited as the West Midlands Franchising Scheme for Buses [2025] and is made on [♦].
- 1.2 This Scheme shall come into operation on [♦] (the "**Commencement Date**") and shall remain in operation thereafter unless varied or revoked in accordance with the 2000 Act.

2 INTERPRETATION

2.1 In this Scheme:

- (a) "**1985 Act**" means the Transport Act 1985;
- (b) "**2000 Act**" has the meaning given to it in Recital A;
- (c) "**Commencement Date**" has the meaning given to it in article 1.2;
- (d) "**EP Plan**" means the West Midlands Enhanced Partnership Plan made on 28 June 2021 and subsequently varied in June 2022 by WMCA, Birmingham City Council, the Borough of Sandwell, Solihull Metropolitan Borough Council, Walsall Metropolitan Borough Council, Coventry City Council, Dudley Metropolitan Borough Council and Wolverhampton City Council pursuant to section 138A of the 2000 Act;
- (e) "**EP Schemes**" means each enhanced partnership scheme which is associated with the EP Plan and made by WMCA, Birmingham City Council, the Borough of Sandwell, Solihull Metropolitan Borough Council, Walsall Metropolitan Borough Council, Coventry City Council, Dudley Metropolitan Borough Council and Wolverhampton City Council pursuant to section 138A of the 2000 Act, including the West Midlands Enhanced Partnership Scheme for Buses made on 28 June 2021 and subsequently varied on 29 June 2022 and in November 2022 and September 2023;
- (f) "**Franchising Assessment**" has the meaning given to it in Recital B;
- (g) "**Franchising Scheme Area**" means the WMCA Area;
- (h) "**Large Franchise Contract**" shall mean a Local Service Contract which has a Peak Vehicle Requirement of no less than [50] vehicles;

- (i) **"Local Service Contract"** has the same meaning as in section 123A(5) of the 2000 Act;
- (j) **"Local Service"** has the same meaning as in section 2 of the 1985 Act;
- (k) **"Operator"** means a person operating a Local Service, and references to an Operator shall be construed in accordance with section 137(7) of the 1985 Act;
- (l) **"Peak Vehicle Requirement"** means the number of vehicles required to operate the Local Services in accordance with the terms of a Large Franchise Contract and at its highest frequency;
- (m) **"Scholars' Service"** means a Local Service providing transport for pupils to and/or from schools within the WMCA Area which does not provide transport to the general public;
- (n) **"Service Permit"** means a service permit granted to Operators pursuant to the 2000 Act and The Franchising Schemes (Service Permits) (England) Regulations 2018;
- (o) **"TfWM"** means the Transport for West Midlands, the transport executive for the WMCA;
- (p) **"WMCA"** means the West Midlands Combined Authority;
- (q) **"WMCA Area"** means the area consisting of the areas of the metropolitan borough councils, city councils and boroughs for the local government areas of Birmingham, Sandwell, Solihull, Walsall, Coventry, Dudley and Wolverhampton;
- (r) **"West Midlands Bus Franchising Scheme [2025] Map"** means the map so described which is deposited at WMCA's offices at Centro House, 16 Summer Lane, Birmingham, United Kingdom, B19 3SD¹ (a smaller scale version of this plan is at Annex 4 for the purposes solely of illustration.).

3 THE FRANCHISING SCHEME AREA

- 3.1 The WMCA Area is hereby designated as the area to which the Scheme relates as shown on the West Midlands Bus Franchising Scheme [2025] Map².

4 ENTRY INTO LOCAL SERVICE CONTRACTS

- 4.1 The date on which a Local Service Contract to provide a Local Service may first be entered into shall be [X].³
- 4.2 The minimum period that is to expire between the date set out in article 4.1 and the provision of a Local Service under a Local Service Contract shall be a period of 6 months⁴.
- 4.3 The date on which a Local Service may first be provided under a Local Service Contract shall be [X].

¹ The map is available for inspection there and online at [WEB ADDRESS].

² S123H(3)(a) of the 2000 Act.

³ Section 123H(2)(c) of the 2000 Act.

⁴ Section 123H(2)(d) of the 2000 Act.

5 EXCEPTIONS FROM THE SCHEME

- 5.1 The Local Services excepted from regulation arising because of the Scheme are those listed in Annex 1.
- 5.2 The Local Services temporarily excepted from regulation arising because of the Scheme are those listed in Annex 2.
- 5.3 The Local Services that will be operated under Service Permits are those listed in Annex 3.

6 SERVICES UNDER LOCAL SERVICE CONTRACTS

- 6.1 The Local Services that are appropriate, and are intended, to be provided under Local Service Contracts are those Local Services operated in the WMCA Area but for:
- (a) those Local Services detailed at Annex 1;
 - (b) those Local Services detailed at Annex 2, up to the date listed against each Local Service detailed at Annex 2;⁵
 - (c) those Local Services detailed at Annex 3.

7 SCHEME FACILITIES

- 7.1 The additional facilities that the WMCA consider appropriate to provide in the WMCA Area are:
- (a) such depots as may facilitate the letting of the Large Franchise Contracts; and
 - (b) buses, zero emission or internal combustion engine, as may facilitate the letting of the Local Service Contracts.

8 PLAN FOR CONSULTING ON OPERATION OF THE SCHEME

- 8.1 The WMCA will consult with such organisations as appear to the WMCA to be representative of users of Local Services, and may consult other organisations and persons, as the WMCA thinks fit.
- 8.2 The purpose of any consultation undertaken in accordance with this article 8 is to seek the views of the users of Local Services on how well the Scheme is working⁶. The WMCA will consult in accordance with this article 8 within a period of [36] months from the date set out in article 4.1 and at such other times periodically as the WMCA considers appropriate.
- 8.3 Any consultations carried out in accordance with this article 8 shall last for such period of time as the WMCA thinks fit so as to ensure that those organisations and persons described in article 8.1 have sufficient time to respond.
- 8.4 The WMCA will make available to the public its response to any consultation carried out in accordance with this article 8.

⁵ s123H(2)(b) of the 2000 Act

⁶ Section 123(A)(9) of the 2000 Act.

9 VARIATION AND REVOCATION OF THE ENHANCED PARTNERSHIP

9.1 Immediately after the dates on which subsections (2) and (3) of section 123J of the 2000 Act apply to the Franchising Scheme Area, the EP Plan and each EP Scheme shall be revoked in respect of the Franchising Scheme Area⁷.

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THE MAYOR OF WEST MIDLANDS COMBINED AUTHORITY

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⁷ Section 123H(6)(a) of the 2000 Act.

ANNEXES TO THE SCHEME

ANNEX 1: EXCEPTED SERVICES - ARTICLE 5.1

The following Local Services shall be excepted from regulation arising because of the Scheme (as further set out below, as applicable):

- a. Subject to the list of Local Services set out in Annex 3, Schools and Scholars' Services that operate as 'closed-door services';
- b. a Local Service provided where a railway or tramway service has been temporarily interrupted.

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ANNEX 2: TEMPORARY EXCEPTIONS - ARTICLE 5.2

The following Local Services shall be temporarily excepted from regulation arising because of the Scheme (as further set out below, as applicable):

- a. excepted until 31 March 2030: the contract between the WMCA and *[insert name of operator]* dated *[insert date]* in respect of Demand Responsive and Ring & Ride services;
- b. excepted until 31 March 2035: the contract between the WMCA and *[insert name of operator]* dated *[insert date]* in respect of tendered bus services within Coventry], including the following service routes⁸:
 - i. Solihull - Coventry via Balsall Common;
 - ii. Solihull - Coventry via Meriden;
 - iii. Coventry - University hospital via Chapelfields and Arena park;
 - iv. University of Warwick - University Hospital;
 - v. University of Warwick - Arena (Coventry);
 - vi. Arena (Coventry) - University Hospital via Bell Green

⁸ To enable the 'Coventry All-electric Bus City' project to be delivered in full prior to the commencement of the Scheme

ANNEX 3: LOCAL SERVICES OPERATED UNDER A SERVICE PERMIT – ARTICLE 5.3

The following are routes/services that will be operated under a Service Permit:

Aston - Burton

Bedworth - Blue Coat School

Binley - Wyken Green

Bridgnorth - Stourbridge

Bridgnorth - Wolverhampton

Bromsgrove - Halesowen

Brownhills - Cannock

Cannock - Wolverhampton

Coventry - Leicester

Coventry/Keresley to Nuneaton via Ash Green

Services that operate as at the date of this Scheme to Coventry High School for Girls

Droitwich Spa - Rubery

Services that operate as at the date of this Scheme to Edgecliff High School

Services that operate as at the date of this Scheme to Friary High School

Furnace End - Coventry

Services that operate as at the date of this Scheme to Hagley RC High School

Hatton Green - Solihull

Kenilworth - Coventry via Baginton

Kenilworth - Solihull

Kidderminster - Halesowen

Kings Heath - Redditch

Kinver - Stourbridge

Leamington - University of Warwick

Lee Marston - Solihull

Norton Lindsey - Solihull

Nuneaton - Coleshill School

Radford - Leamington Spa

Redditch - Earlswood

Redditch - Solihull

Rugby - Coventry

Solihull - Stratford-Upon-Avon

Stourbridge - Bromsgrove

Stratford-Upon-Avon - Coventry

Sutton Coldfield - Tamworth

Tamworth - Birmingham City Centre

Tamworth - St Francis College

Telford - Wolverhampton

University Hospital - Nuneaton

Warwick – Coventry

Warwick Gates - University of Warwick

Wolverhampton – Cannock

Wolverhampton – Stafford

Local Services operating in the WMCA Area as tours or excursion services

ANNEX 4: BUS FRANCHISING AREA MAP

