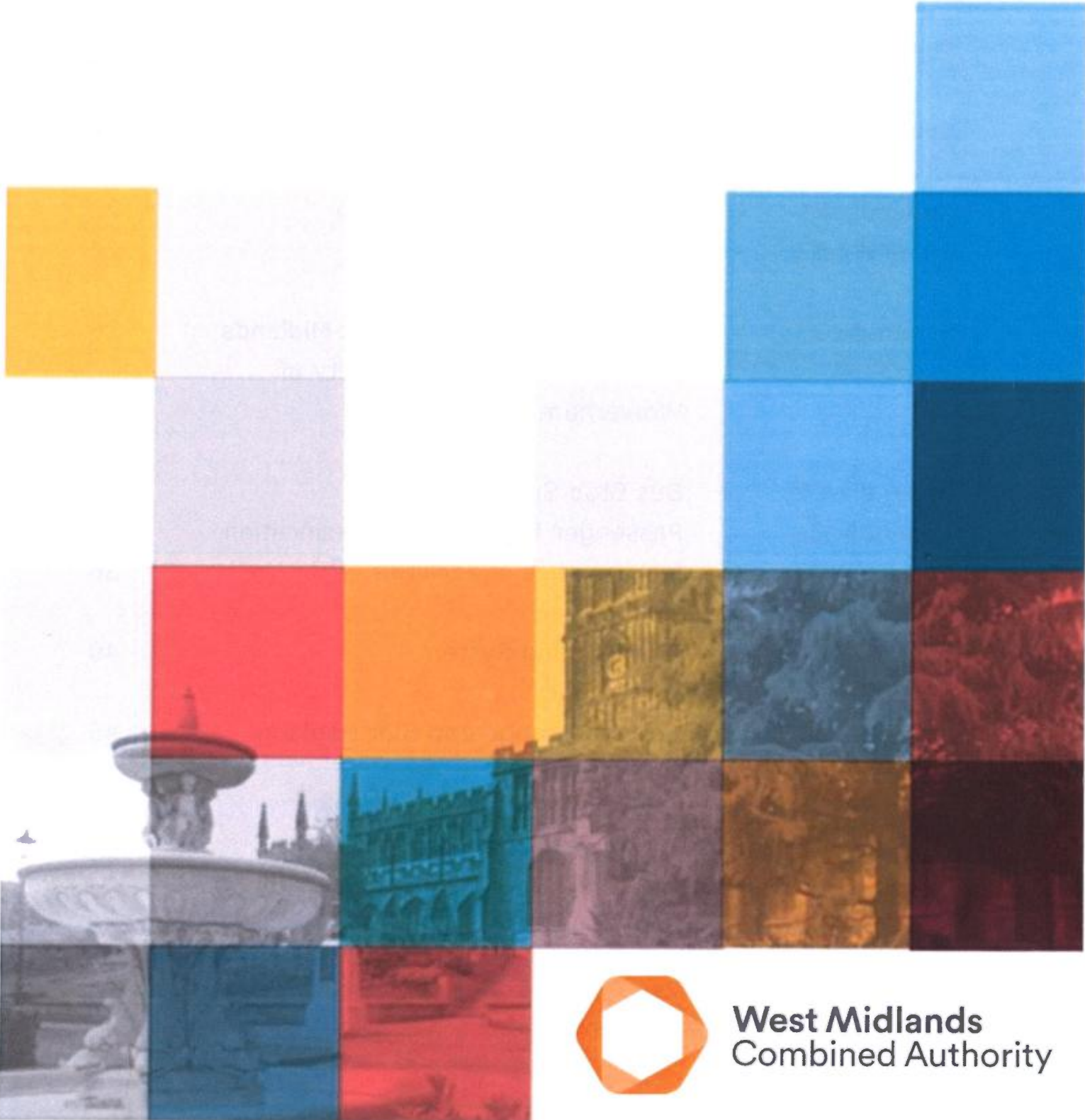


West Midlands

# BUS ALLIANCE

**Wolverhampton City Centre**

**Advanced Quality Partnership Scheme**



**West Midlands  
Combined Authority**

# Wolverhampton City Centre Advanced Quality Partnership Scheme

## Contents

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		<b>Page</b>
The Scheme		
Schedule A	The Scheme	3
Schedule B	Service standards	13
Appendix B1	Bus Operators Undertaking	22
Appendix B2	Ticketing Schemes	24
Schedule C	Facilities provided by West Midlands Combined Authority and City of Wolverhampton Council	26
Appendix C1	Bus Stop Specification	32
Appendix C2	Passenger Information Specification	34
Appendix C3	Maintenance of Facilities	36
Schedule D	Slot Booking System	40
Appendix D1	Service Change and Slot Booking Dates	46
Schedule E	Communications Protocol	48

# Schedule A – The Scheme

**WOLVERHAMPTON CITY CENTRE ADVANCED QUALITY PARTNERSHIP  
SCHEME IS MADE IN ACCORDANCE WITH SECTIONS 114 – 123 OF THE  
TRANSPORT ACT 2000, AS AMENDED BY THE LOCAL TRANSPORT ACT 2008 AND  
BUS SERVICES ACT 2017 (the Scheme), BY:**

- (1) The West Midlands Combined Authority** of 16 Summer Lane, Birmingham, B19 3SD; (“WMCA”) – as the Lead Authority and
- (2) Wolverhampton City Council** of Civic Centre, St Peter’s Square, Wolverhampton, WS1 1SH (“the Council”, “CWC”)

## **1. DEFINITIONS AND INTERPRETATION**

<b>Articulated Bus Stand</b>	means a Bus Stand that can be used by local buses over 15m in length;
<b>Bus Alliance Area Partnership meeting</b>	means the regular meetings held between the West Midlands Combined Authority, City of Wolverhampton Council and the local bus operators;
<b>Bus Stand</b>	means a bus stopping location within the Scheme Area associated to a Bus Stand Clearway, allowing a local bus of no more than 15m in length to stand for a period of more than 2 minutes as determined by specific TRO for the facility and the on street signing at the facility;
<b>Bus Stand Clearway</b>	shall mean a bus stop clearway as defined in accordance with paragraph 1 of Part 6 to Schedule 7 of The Traffic Signs Regulations and General Directions 2016 but which will permit a local bus to stand within the clearway for as long as maybe necessary up to a maximum period of 10 minutes;
<b>Bus Stop</b>	means a bus stop within the Scheme Area with a bus stop clearway;
<b>Bus Stop Clearway</b>	shall have the meaning given to it as detailed in paragraph 1 of Part 6 to Schedule 7 of the Traffic Signs Regulations and General Directions 2016 (SI2016/362);
<b>Bus Stop Clearway (regulated)</b>	shall mean a bus stop clearway as defined in Schedule D to the Scheme;
<b>Bus Stop Clearway (non-regulated)</b>	shall mean any bus stop clearway other than a bus stop clearway (regulated);
<b>Commencement Date</b>	means the date of commencement of the Scheme pursuant to clause 2.1, or such later date as the Scheme may commence following any postponement of the Scheme under section 117 of the Transport Act 2000 (as amended by Section 16 of the Local Transport Act 2008);
<b>Equality Legislation</b>	means The Equality Act 2010 and the Disability Equality Duty under the Disability Discrimination Act 2005 (as amended);
<b>Excluded Services</b>	shall mean the category of Local Services listed in Schedule B;

<b>Facilities</b>	means those facilities listed in Schedule C;
<b>Incident Planning Group</b>	means a West Midlands Combined Authority co-ordinated group that responds to external issues on the public transport network, working with operators and other agencies to ensure the best possible service is delivered to the passenger during any major disruption.
<b>Information Recharging Scheme</b>	means the scheme between West Midlands Combined Authority and bus operators covering standards of information for passengers, the quality of data passed from bus operators to West Midlands Combined Authority and West Midlands Combined Authority's charges for maintaining information provision to passengers, as established under the provisions of the Transport Act 2000;
<b>Local Service</b>	has the meaning set out in Section 2 of the Transport Act 1985, (but excluding any Excluded Services);
<b>Low Floor Bus</b>	means a vehicle whether double or single deck that fully meets the functional requirements of the Public Service Vehicle Accessibility Regulations 2000.
<b>Metro or Midland Metro</b>	means the Midland Metro system;
<b>Non-Regulated stop</b>	shall mean a Non-Regulated bus stop as defined in Schedule D;
<b>PSVAR</b>	means current Public Service Vehicle Accessibility Regulations;
<b>Regulated Stop</b>	shall mean a Regulated bus stop as defined in Schedule D;
<b>Scheme Area</b>	means the area marked as shown on the map at Schedule A;
<b>Scheduled Coach Service</b>	means a service that has more than five departures per week which operates outside the requirements to register as a local bus service as defined in the Transport Act 1985
<b>Scheduled Coach Stand</b>	means a coach stopping location in the Scheme Area associated with a Bus Stand Clearway, allowing a Scheduled Coach Service (that operates outside of the requirements of the Transport Act 1985) to stand for as long as necessary up to a maximum period of 10 minutes
<b>Service Change Dates</b>	means dates each year agreed between West Midlands Combined Authority and bus operators on which network changes are preferably concentrated unless agreed in advance with West Midlands Combined Authority;
<b>Slot Booking</b>	means the Slot Booking System with which operators pursuant to the Scheme are required to comply, as detailed in Schedule D to the Scheme;
<b>AQPS</b>	means an Advanced Quality Partnership Scheme made pursuant to section 114(1) of the Transport Act 2000 [as amended by the Local Transport Act 2008 and the Bus Services Act 2017];
<b>Standards of Service</b>	means the standards of service set out in Schedule B ( <i>Standards</i> );
<b>Traffic Commissioner</b>	has the meaning set out in Section 82(1) of the Public Passenger Vehicles Act 1981;



<b>TfWM</b>	means Transport for West Midlands, part of the West Midlands Combined Authority;
<b>TRO</b>	means a Traffic Regulation Order, made under the Road Traffic Regulation Act 1984 or any other enactment regulating the use of roads or other places; and
<b>WMCA</b>	means the West Midlands Combined Authority. The lead authority for the scheme.

Words importing the singular include the plural and vice versa and words implying any one gender include all genders;

Headings and references to headings shall be disregarded in construing this Scheme;

A reference to a statute, a statutory instrument, code of practice or statutory guidance is a reference to it as amended, extended, re-enacted or replaced from time to time.

## **2. DATE AND PERIOD OF OPERATION**

- 2.1 It is proposed the Scheme will be made no later than **25<sup>th</sup> August 2018** and will come into operation on **25<sup>th</sup> November 2018** (giving more than the legally required 13 weeks' notice of implementation).
- 2.2 The Scheme will operate for a period of 10 years from the Commencement Date and will end at 23:59hrs on **25<sup>th</sup> November 2028** notwithstanding any postponement of the Scheme under section 117 of the Transport Act 2000 (Postponement of provision of particular facilities or standards of service) and subject to variation or revocation in accordance with Section 120 of the Transport Act 2000 (Variation or revocation of schemes).

## **3. SCHEME AREA**

- 3.1 The Scheme Area covers **71 bus stops/stands and shelters (including the Stands that are in the West Midlands Combined Authority owned Wolverhampton Bus Station)** within Wolverhampton city centre ring road, as shown in Schedule A.
- 3.2 The Scheme shall apply to ALL operators of Local Bus Services running within the Scheme Area.
- 3.3 The West Midlands Combined Authority will maintain a summary of affected services when required for every service change date and the West Midlands Combined Authority will make copies available to the Traffic Commissioner and all operators of affected Local Services. For the avoidance of doubt, such list of Scheduled Services will be an indicative list only of those Local Services which West Midlands Combined Authority believes to fall within the terms of the Scheme. An omission from the list of Affected Services shall not exempt a service from the Scheme, which would otherwise fall within the terms of the Scheme.

#### **4. FACILITIES**

- 4.1 Subject to clause 6 (Conditions of Use), the West Midlands Combined Authority and the Council will make the Facilities available (as detailed in Schedule C) to Local Services from the Commencement Date, until the date the Scheme ceases to have effect.
- 4.2 Clause 4.1 shall not apply in relation to any Local Service using a Facility for any period during which the West Midlands Combined Authority or the Council is temporarily unable to fulfil its obligations, in respect of that Facility, due to circumstances beyond its control. In such circumstances the West Midlands Combined Authority shall notify any operator affected by the non-provision of such Facility, confirming the reason for such non provision and the anticipated period during that the Facility will not be available.
- 4.3 The Facilities are to be maintained for the duration of the Scheme in accordance with Appendix C3 (Maintenance of Facilities).
- 4.4 The West Midlands Combined Authority and the Council will provide bus stop infrastructure at all Bus Stops and Stands within the Scheme area.

#### **5. STANDARDS OF SERVICES TO BE PROVIDED BY BUS OPERATORS**

- 5.1 The operators of Local Services who wish to use the Facilities will undertake to provide such Services in accordance with the Standards (listed in Schedule B) from the Effective Date until the Scheme ceases to have effect.
- 5.2 The Scheme shall not restrict any Operator from providing any services in excess of the specified Standards.

#### **6. CONDITIONS OF USE**

- 6.1 An operator may only use the Facilities in the Scheme Area if:
- a) a written undertaking from the operator (under the specific Operator Licence or Community Bus Permit the service is or will be registered under) using the template form attached at Appendix B1 is provided to PSV Operator Licensing at their office in Leeds and a copy delivered to the West Midlands Combined Authority; and
  - b) each Local Bus Service will at all times be provided to the Standards in accordance with that undertaking except for any period during which such operator is temporarily unable to do so owing to circumstances beyond their control, provided that the West Midlands Combined Authority is notified in writing (as outlined in Section E – Communications Protocol) as soon as practicably possible as to the reasons and period of such non-compliance.

- 6.2 Any operator of a Service who fails to comply with paragraph 6.1 may be subject to action by the Traffic Commissioner in accordance with section 17 (Revocation, suspension etc. of licences) The Public Passenger Vehicles Act 1981, section 26 (Conditions attached to PSV operator's licence) Transport Act 1985 and section 155 (Penalties) Transport Act 2000.
- 6.3 Conditions for use of the bus station are set out in the WMCA Bus Station User Agreement. These conditions supersede any conditions set out in the scheme for bus operation in the bus station, or not specified and covered by this scheme.

## **7. REVIEW AND MONITORING**

- 7.1 The West Midlands Combined Authority, the Council and bus operators will review the operation of the Scheme at each relevant West Midlands Bus Alliance Area Partnership Meeting, which will include an assessment of the Scheme's benefits in order to determine if any action is required to maintain the Facilities and/or Standards of Service.
- 7.2 The West Midlands Combined Authority and/or the Council reserves the right to monitor compliance with the Standards of Services in respect of a Local Service which is using any of the Facilities and operators of such services will allow the West Midlands Combined Authority and the Council (including its officers and employees) reasonable access to any such Local Service for this purpose and provide any reasonable assistance required for this purpose.
- 7.3 From time to time, the scheme document will be updated and refreshed as deemed appropriate by the scheme makers. Changes to the AQPS document can be proposed by the scheme makers and bus operators and all parties will be consulted on proposed amendments to the AQPS document. After agreement is reached on any changes, the alterations will be published in a revised document showing the tracked changes. At most the document will be revised once a year, or if otherwise agreed by all parties through the quarterly meetings.

## **8. ENFORCEMENT AND APPEALS PROCESS**

### **For matters relating to The Scheme and day to day management of the Scheme**

- 8.1 In the event that any Bus operator, the West Midlands Combined Authority and/or the Council considers that any other party under this Scheme are not meeting their obligations there under then the issues shall be put in writing to the party not meeting their obligations. This will give that party the right of explanation within ten working days why the issues are happening and or any actions being implemented to allow that party to comply with the scheme.

- 8.2 If necessary, following the actions in 8.1 meeting(s) will take place within ten working days with the parties involved to resolve the issues.
- 8.3 As a result of the any actions taken under 8.1 and 8.2 the West Midlands Combined Authority reserves the right to advise the Office of the Traffic Commissioner of any operational issues with scheme.
- 8.4 If the matter regarding the operation of the scheme cannot be resolved through the meeting process, the matter will be determined if appropriate by the appointment of an independent arbiter (as agreed between the two parties) to investigate the issue(s) to report on their findings and to propose remedial measures. The arbiter may be a Director at a local authority with an AQPS in operation.
- 8.5 As part of the process outlined in 8.1, 8.2 and 8.4 the actions of a bus operator (s) may be referred to the Traffic Commissioner for the West Midlands so that if considered necessary action can be taken against the operator in accordance with section 17 (Revocation, suspension etc. of licenses) The Public Passenger Vehicles Act 1981, section 26 (Conditions attached to PSV Operator's Licence) Transport Act 1981, section 26 (Conditions attached to PSV Operator's Licence) Transport Act 1985 and section 155 (Penalties) Transport Act 2000.

#### **For matters relating to the Slot Booking System**

- 8.6 In the event that any bus operator, the West Midlands Combined Authority and/or the Council considers that any other party under this Scheme are not meeting their obligations there under, or that an issue has been identified with the allocation of slots, the matter shall firstly be put into writing within five working days to the party not complying giving them the right of explanation within five working days why the issues are happening and or any actions that are or could be implemented to allow compliance with the scheme.
- 8.7 If necessary following the actions in 8.6, meeting(s) will take place within five working days with the parties involved to resolve the issues
- 8.8 If the matter regarding slot booking cannot be resolved through the meeting process, in the first instance the matter will be determined by a West Midlands Combined Authority Director not directly involved with the operation of the Scheme.
- 8.9 As part of the process outlined 8.6 to 8.8 the actions of a bus operator(s) may be referred to the Traffic Commissioner for the West Midlands so that if considered necessary action can be taken against the operator in accordance with section 17 (Revocation, suspension etc. Of licences) The Public Passenger Vehicles Act 1981, section 26 (Conditions attached to PSV operator's licence) Transport Act 1985 and section 155 (Penalties) Transport Act 2000.



## **9. CONTACT ADDRESSES**

- 9.1 Any notification required to be sent to West Midlands Combined Authority (lead authority) should be addressed to:

Network Delivery Team (Wolverhampton City Centre AQPS), Transport for West Midlands, 16 Summer Lane, Birmingham, B19 3SD. Email QPS@TfWM.org.uk

- 9.2 Any notification required to be sent to City of Wolverhampton Council may be addressed to:

Wolverhampton City Centre AQPS, City of Wolverhampton Council, Civic Centre, St. Peter's Square, Wolverhampton, WV1 1SH

# Map of Scheme Area & Bus Stop Infrastructure

