EXPLANATORY MEMORANDUM TO

THE SOUTH YORKSHIRE PASSENGER TRANSPORT EXECUTIVE (TRANSFER OF FUNCTIONS) ORDER 2023

2023 No. 176

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 This order dissolves the South Yorkshire Passenger Transport Executive (SYPTE), and transfers all of its functions, rights, property, and liabilities into the South Yorkshire Mayoral Combined Authority (SYMCA).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the area of the South Yorkshire Mayoral Combined Authority.

5. European Convention on Human Rights

5.1 The Parliamentary Under Secretary of State for Transport Richard Holden MP has made the following statement regarding Human Rights:

"In my view the provisions of the South Yorkshire Passenger Transport Executive (Transfer of Functions) Order 2023 are compatible with the Convention rights."

6. Legislative Context

6.1 The SYPTE was established by the South Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973 (S.I 1973/1728) for the metropolitan county of South Yorkshire, as it was then.

6.2 The Local Government Act 1985 (c.51) abolished the Metropolitan county councils and recreated Passenger Transport Authorities, which had existed prior to the establishment of the Metropolitan county councils, as the bodies that administer the Passenger Transport Executives ("PTEs"). The Local Transport Act 2008 (c.26) subsequently changed the name of Passenger Transport Authorities to Integrated Transport Authorities (ITAs).

6.3 Under section 85 of the Transport Act 1985 (c.67), the Secretary of State may make provisions for the dissolution of a PTE and for the transfer of all of its functions, property, rights, and liabilities to the ITA for that area.

6.4 The South Yorkshire ITA was dissolved and merged into the SYMCA by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I 2014/863).]

7. Policy background

What is being done and why?

7.1 The SYMCA and SYPTE are collectively responsible for the planning and delivery of local transport in the South Yorkshire area. The SYMCA is responsible for setting out local transport policy and public transport expenditure in the South Yorkshire area, for example through the local transport plan "Sheffield City Region Transport Strategy". The SYPTE is responsible for delivering these policies, such as securing passenger rail services, in the area.

7.2 This instrument will abolish the SYPTE and transfer its functions into the SYMCA, making the SYMCA responsible for both the planning and delivery of local transport. Currently the SYPTE and SYMCA are separate organisations, where the SYPTE has its own administrative procedures such as separate financial accounts. There are other combined authority areas where the PTE has been abolished and its functions transferred to the local combined authority (CA), such as for the West Midlands and West Yorkshire Combined Authorities. These CAs have continued to plan and deliver local transport without PTEs.

7.3 The mayor of the SYMCA at the time – Dan Jarvis MP – commissioned the 2019 South Yorkshire Bus Review (please see link to the bus Review https://southyorkshire-ca.gov.uk/getmedia/2b2b8b2d-718d-485d-8c81-179535fbf335/Bus-Review-Report-June-2020.pdf) in order to improve local bus services. The review included a consultation, which received ~6,000 responses from local residents.

7.4 Consultation responses raised concerns about overlapping responsibilities reducing transparency and accountability over the management and delivery of local transport services and the review recommended that "*SYPTE ceases to exist as a separate organisation and is merged with Sheffield City Region (SCR) Executive team, with direct accountability to the SCR Mayoral Combined Authority (SCRMCA)*". The SYMCA (formerly the SCRMCA) agreed with this recommendation, arguing this would improve transparency and accountability of the management of local transport services, as well as realise efficiencies by consolidating administrative processes.

7.5 The government has accepted the views of the SYMCA and considers that abolishing the SYPTE and transferring its functions to SYMCA will contribute to the improvement of local transport services in the region.

7.6 This order dissolves the SYPTE and transfers its functions, property, liabilities, and rights into the SYMCA. The SYMCA will become responsible for executing the functions of the SYPTE. This will allow the SYMCA to realise the above stated benefits on their local transport network and bus network, including savings from administrative efficiency which can be re-invested elsewhere.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 There are no plans to consolidate at this point.

10. Consultation outcome

10.1 The proposal to abolish the SYPTE and transfer its functions into the SYMCA emerged from the consultation that the SYMCA conducted as part of the 2019 South Yorkshire Bus Review. A public survey was operated from the 24th of May to the 18th of October 2019, in which ~6,000 responses were taken to assess the state of local bus services. The survey was advertised online, and paper copies were also available with free postage, seeking responses from individuals, local stakeholder organisations and interest groups. The consultation was supplemented with more formal written evidence from key stakeholders and prominent individuals.

10.2 The consultation found that of the ~6,000 responses, 61% were dissatisfied with bus service reliability, and 32% were dissatisfied with the state of the bus fleet. For example, some of the issues respondents identified as disincentives to using local bus services were that local bus services suffered from poor connectivity and reliability which made them less convenient than private cars. In addition, research conducted as part of the review substantiated concerns raised on the state of the bus fleet, contrasting the average age of the South Yorkshire bus fleet (9.4 years) with the national average (7.7 years).

10.3 The review suggested that the current relationship between SYPTE and the SYMCA contributed to a lack of leadership and accountability when managing local bus services, stating that "*there is a lack of accountability held by SYPTE in monitoring the contracts it administers for tendered bus services and does not hold operators to account for delivering quality services and maintaining partnership agreements such as frequency of service changes*".

11. Guidance

11.1 No guidance is necessary to accompany this Order.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 The impact on the public sector is beneficial, as this consolidates two local public bodies into a single organisation, which should lead to operational efficiencies.

12.3 A full Impact Assessment has not been prepared for this instrument because the order does not create any new costs on business, charities, voluntary bodies or the transport services provided in South Yorkshire.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 As this instrument consolidates the existing functions, powers, rights, and liabilities of the SYPTE into the SYMCA, the monitoring of this legislation will be best covered under the SYMCA's existing monitoring and evaluation programme agreed with the Government.

15. Contact

15.1 Robert Molteno at the Department for Transport Telephone: 07971 110684 or email: robert.molteno@dft.gov.uk can be contacted with any queries regarding the instrument.

15.2 Ruth Harper, Deputy Director for the Local Transport Policy and Funding Division, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Richard Holden MP, Parliamentary Under Secretary of State at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.