

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4491
Author:	Mark Garlick
Department:	Growth and City Development
Contact:	Mark Garlick (Job Title: Team Leader: Public Transport Operations, Email: mark.garlick@nottinghamcity.gov.uk, Phone: 01158764675)
Subject:	Acceptance of Department for Transport Bus Recovery Grant (BRG) funding
Total Value:	£167,059 (Type: Revenue)
Decision Being Taken:	1) To accept the allocated amount from the Department for Transport (DfT) for the purpose of covering losses where the council takes the revenue risk on a tendered service.2) To delegate authority to the Chief Finance Officer to sign the grant funding agreement from the DfT and to use the money for covering revenue losses on tendered bus services, until passenger numbers and revenue returns to normal levels.
Reasons for the Decision(s)	This is special funding from central government to support bus service recovery, following the pandemic, and until April 2022. Further details of this are in the Final Allocation letter (attached) and the LTA BRG Declaration Form (attached).
Briefing notes documents:	20211119 Final allocation LTA BRG.pdf, 2021.10.05 LTA BRG Declaration form - signed by C Heaphy.pdf
Other Options Considered:	No other realistic options, other than to not accept the funding offered. If the council does not accept the BRG funding available the revenue loss will need to be made up by the council from its own budgets.
Background Papers:	None
Published Works:	None

Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	No implications
Equality:	EIA not required. Reasons: The funding does not affect the level of bus service provided. It will help to continue support of services that already exist until April 2022.
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	19/01/2022
Advice Sought:	Legal, Finance
Legal Advice:	<p>The report seeks authority to accept Government funding to support the Council in loss of revenue due to low passenger numbers. Under normal tendered services the Council receives revenue from passenger fares but inevitably these have significantly diminished due to the Covid -19 pandemic.</p> <p>The Government is providing the bus recovery grant funding to the Council to support its financial position due to this impact.</p> <p>The Council will be required to enter into a grant agreement with the Government for the funding and must ensure compliance with the terms and conditions to ensure appropriate use.</p> <p>It is understood that the money will be used merely for internal allocation against the loss of revenue and provided the money is not to be used for the purposes of external spend there are no additional procurement or constitutional requirement implications.</p> <p>Advice provided by Dionne Claire Screamon (Solicitor) on 05/01/2022.</p>
Finance Advice:	<p>comments in attached document Advice provided by Susan Tytherleigh (Senior Finance Manager) on 21/12/2021.</p> <p>Advice documents: Finance comments for BRG Dec21 DD.docx</p>

Signatures

Rosemary Healy (Portfolio Holder Highways, Transport, Cleansing)
SIGNED and Dated: 12/01/2022
Sajeeda Rose (Corporate Director of Growth & City Development)
SIGNED and Dated: 11/01/2022



Department
for Transport

Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Tel: 0300 330 3000
Web site: www.gov.uk/dft

19 November 2021

Dear Colleagues,

Local Transport Authority Bus Recovery Funding (LTA BRG)

Further to the letter on 27 September, I would like to thank Local Transport Authorities for returning their declaration forms by the deadline. Applications for the scheme are now closed.

We are writing to inform you that final allocations of LTA BRG have now been made and can be found in Annex A of this letter.

Data Proformas

As previously requested, and detailed in the MOU, LTAs were asked to provide the information below by 29 October 2021.

- a) A list of all tendered bus services that LTAs have procured and their scheduled mileage between 1 September 2019 and 15 February 2020
- b) A list of all tendered bus services and their scheduled mileage between 1 September 2020 and 15 February 2021
- c) The percentage of pre-Covid concessionary fares (ENCTS) payments currently being made.

If you have not already returned this information, please do so **by 26th November 2021**. If we have not received the data proforma by this date, then LTA BRG **will not** be paid.

A data return pro-forma has been provided with this letter, please use this to meet the data requirements set out above. We cannot accept data in other formats as this would slow down the process of delivering funding. Please return all the information to the Department at brg@dft.gov.uk with 'LTA BRG [LTA NAME]' in the subject line.

Outstanding Underspends from LTA CBSSG/ LTA CBSSG Restart

Any LTA who has yet to return unspent money from LTA CBSSG should do so at their earliest convenience as LTA BRG will not be paid until this has been received by DfT. We have contacted LTAs that we believe have an underspend to be returned.

Period Dates and Payment schedule

We are aiming to make payments to LTAs on a 28-day period basis, in arrears and the first payment will be made in early December to cover Periods 1-3. We apologise for the delay in allocating the first payment of this scheme and the inconvenience this may have caused.

The LTA BRG period dates are as follows:

Period	Date covered
1	01 September – 28 September 2021
2	29 September – 26 October 2021
3	27 October – 23 November 2021
4	24 November – 21 December 2021
5	22 December 2021 – 18 January 2022
6	19 January – 15 February 2022
7	16 February – 5 April 2022

In **Annex B** you will find an indicative payment schedule. Please note that from time to time payment dates may change. Payment amounts may also differ should further funding be made available to LTAs as a result of commercial operators becoming ineligible for 100% of their funding.

At the end of the scheme, the Department will require the return of any unused funding. At this point, the Department will conduct a detailed survey to collect data from LTAs as evidence of where the funding has been used and which services, operators and routes have been supported.

If you have any queries, please send them to the e-mail address provided above.

Yours faithfully,

BRG Team

Annex A. LTA BRG Final allocations

Local Authority Name	LTA BRG Final allocations covering 1 September 2021 - 5 April 2022
Bedford Borough Council	£75,840
Blackpool Council	£73,460
Bournemouth, Christchurch and Poole Council	£42,203
Bracknell Forest Council	£72,923
Brighton and Hove City Council	£42,394
Buckinghamshire Council	£120,974
Cambridgeshire and Peterborough Combined Authority	£121,838
Central Bedfordshire Council	£75,018
Cheshire East Council	£202,287
Cheshire West and Chester Council	£216,929
City of Stoke-on-Trent Council	£56,602
City of York Council	£61,461
Cornwall Council (including Isles of Scilly)	£855,741
Derby City Council	£12,946
Derbyshire County Council	£430,469
Devon County Council	£432,491
Dorset Council	£102,034
East Riding of Yorkshire Council	£79,303
East Sussex County Council	£116,176
Essex County Council	£521,958
Gloucestershire County Council	£163,578
Greater Manchester Combined Authority	£922,770
Hampshire County Council	£418,145
Herefordshire Council	£62,511
Hertfordshire County Council	£91,881
Hull City Council	£136,392
Kent County Council	£960,333
Lancashire County Council	£268,474
Leicester City Council	£261,130
Leicestershire County Council	£220,626
Lincolnshire County Council	£95,537
Liverpool City Region Combined Authority	£718,721
Medway Council	£82,842
Milton Keynes Council	£240,036
Norfolk County Council	£790,615
North East Joint Transport Committee	£1,276,314
North East Lincolnshire Council	£9,097
North Lincolnshire Council	£35,022
North Northamptonshire Council	£4,696
North Somerset Council	£36,816
North Yorkshire County Council	£298,519
Nottingham City Council	£167,059
Nottinghamshire County Council	£200,360

Oxfordshire County Council	£60,294
Plymouth City Council	£52,453
Portsmouth City Council	£38,965
Reading Borough Council	£12,263
Royal Borough of Windsor and Maidenhead	£31,640
Rutland County Council	£63,898
Sheffield City Region Combined Authority	£1,008,883
Shropshire Council	£295,615
Slough Borough Council	£28,387
Somerset County Council	£158,039
Southampton City Council	£163,578
Southend-on-Sea Borough Council	£27,203
Staffordshire County Council	£62,189
Suffolk County Council	£577,446
Surrey County Council	£672,362
Swindon Borough Council	£13,508
Tees Valley Combined Authority	£41,202
Telford and Wrekin Council	£46,876
Thurrock Council	£15,261
Torbay Council	£17,186
Warrington Borough Council	£48,219
Warwickshire County Council	£202,942
West Berkshire Council	£32,156
West Midlands Combined Authority	£841,567
West Northamptonshire Council	£18,801
West of England Combined Authority	£1,057,145
West Sussex County Council	£174,223
West Yorkshire Combined Authority	£825,071
Wiltshire Council	£297,667
Wokingham Borough Council	£137,555

Annex B Indicative payment schedule

Local Transport Authority	9 December 2021 (p1-3)	10 January 2022 (p4)	9 February 2022 (p5)	9 March 2022 (p6)	11 April 2022 (p7)
Bedford Borough Council	£29,357.55	£9,785.85	£9,785.85	£9,785.85	£17,125.24
Blackpool Council	£28,436.05	£9,478.68	£9,478.68	£9,478.68	£16,587.70
Bournemouth, Christchurch and Poole Council	£16,336.77	£5,445.59	£5,445.59	£5,445.59	£9,529.78
Bracknell Forest Council	£28,228.26	£9,409.42	£9,409.42	£9,409.42	£16,466.48
Brighton and Hove City Council	£16,410.75	£5,470.25	£5,470.25	£5,470.25	£9,572.93
Buckinghamshire Council	£46,828.60	£15,609.53	£15,609.53	£15,609.53	£27,316.68
Cambridgeshire and Peterborough Combined Authority	£47,163.03	£15,721.01	£15,721.01	£15,721.01	£27,511.77
Central Bedfordshire Council	£29,039.39	£9,679.80	£9,679.80	£9,679.80	£16,939.64
Cheshire East Council	£78,304.71	£26,101.57	£26,101.57	£26,101.57	£45,677.75
Cheshire West and Chester Council	£83,972.41	£27,990.80	£27,990.80	£27,990.80	£48,983.91
City of Stoke-on-Trent Council	£21,910.45	£7,303.48	£7,303.48	£7,303.48	£12,781.09
City of York Council	£23,791.17	£7,930.39	£7,930.39	£7,930.39	£13,878.18
Cornwall Council (including Isles of Scilly)	£331,254.49	£110,418.16	£110,418.16	£110,418.16	£193,231.79
Derby City Council	£5,011.23	£1,670.41	£1,670.41	£1,670.41	£2,923.22
Derbyshire County Council	£166,633.32	£55,544.44	£55,544.44	£55,544.44	£97,202.77
Devon County Council	£167,415.71	£55,805.24	£55,805.24	£55,805.24	£97,659.17
Dorset Council	£39,496.90	£13,165.63	£13,165.63	£13,165.63	£23,039.86
East Riding of Yorkshire Council	£30,698.04	£10,232.68	£10,232.68	£10,232.68	£17,907.19
East Sussex County Council	£44,971.37	£14,990.46	£14,990.46	£14,990.46	£26,233.30
Essex County Council	£202,048.42	£67,349.47	£67,349.47	£67,349.47	£117,861.58
Gloucestershire County Council	£63,320.33	£21,106.78	£21,106.78	£21,106.78	£36,936.86
Greater Manchester Combined Authority	£357,201.37	£119,067.12	£119,067.12	£119,067.12	£208,367.47
Hampshire County Council	£161,862.45	£53,954.15	£53,954.15	£53,954.15	£94,419.76
Herefordshire Council	£24,197.68	£8,065.89	£8,065.89	£8,065.89	£14,115.31
Hertfordshire County Council	£35,566.66	£11,855.55	£11,855.55	£11,855.55	£20,747.22
Hull City Council	£52,797.00	£17,599.00	£17,599.00	£17,599.00	£30,798.25

Kent County Council	£371,741.96	£123,913.99	£123,913.99	£123,913.99	£216,849.48
Lancashire County Council	£103,925.55	£34,641.85	£34,641.85	£34,641.85	£60,623.24
Leicester City Council	£101,082.51	£33,694.17	£33,694.17	£33,694.17	£58,964.80
Leicestershire County Council	£85,403.74	£28,467.91	£28,467.91	£28,467.91	£49,818.85
Lincolnshire County Council	£36,982.12	£12,327.37	£12,327.37	£12,327.37	£21,572.90
Liverpool City Region Combined Authority	£278,214.58	£92,738.19	£92,738.19	£92,738.19	£162,291.84
Medway Council	£32,067.87	£10,689.29	£10,689.29	£10,689.29	£18,706.26
Milton Keynes Council	£92,917.11	£30,972.37	£30,972.37	£30,972.37	£54,201.65
Norfolk County Council	£306,044.43	£102,014.81	£102,014.81	£102,014.81	£178,525.92
North East Joint Transport Committee	£494,056.96	£164,685.65	£164,685.65	£164,685.65	£288,199.90
North East Lincolnshire Council	£3,521.59	£1,173.86	£1,173.86	£1,173.86	£2,054.26
North Lincolnshire Council	£13,556.80	£4,518.93	£4,518.93	£4,518.93	£7,908.13
North Northamptonshire Council	£1,817.73	£605.91	£605.91	£605.91	£1,060.34
North Somerset Council	£14,251.33	£4,750.44	£4,750.44	£4,750.44	£8,313.28
North Yorkshire County Council	£115,555.87	£38,518.62	£38,518.62	£38,518.62	£67,407.59
Nottingham City Council	£64,667.93	£21,555.98	£21,555.98	£21,555.98	£37,722.96
Nottinghamshire County Council	£77,558.61	£25,852.87	£25,852.87	£25,852.87	£45,242.52
Oxfordshire County Council	£23,339.50	£7,779.83	£7,779.83	£7,779.83	£13,614.71
Plymouth City Council	£20,304.44	£6,768.15	£6,768.15	£6,768.15	£11,844.26
Portsmouth City Council	£15,083.04	£5,027.68	£5,027.68	£5,027.68	£8,798.44
Reading Borough Council	£4,747.00	£1,582.33	£1,582.33	£1,582.33	£2,769.08
Royal Borough of Windsor and Maidenhead	£12,247.92	£4,082.64	£4,082.64	£4,082.64	£7,144.62
Rutland County Council	£24,734.62	£8,244.87	£8,244.87	£8,244.87	£14,428.53
Sheffield City Region Combined Authority	£390,535.29	£130,178.43	£130,178.43	£130,178.43	£227,812.25
Shropshire Council	£114,431.50	£38,143.83	£38,143.83	£38,143.83	£66,751.71
Slough Borough Council	£10,988.63	£3,662.88	£3,662.88	£3,662.88	£6,410.03
Somerset County Council	£61,176.54	£20,392.18	£20,392.18	£20,392.18	£35,686.31
Southampton City Council	£63,320.33	£21,106.78	£21,106.78	£21,106.78	£36,936.86
Southend-on-Sea Borough Council	£10,530.14	£3,510.05	£3,510.05	£3,510.05	£6,142.58

Staffordshire County Council	£24,073.35	£8,024.45	£8,024.45	£8,024.45	£14,042.79
Suffolk County Council	£223,527.35	£74,509.12	£74,509.12	£74,509.12	£130,390.96
Surrey County Council	£260,269.14	£86,756.38	£86,756.38	£86,756.38	£151,823.67
Swindon Borough Council	£5,228.86	£1,742.95	£1,742.95	£1,742.95	£3,050.17
Tees Valley Combined Authority	£15,949.18	£5,316.39	£5,316.39	£5,316.39	£9,303.69
Telford and Wrekin Council	£18,145.38	£6,048.46	£6,048.46	£6,048.46	£10,584.81
Thurrock Council	£5,907.58	£1,969.19	£1,969.19	£1,969.19	£3,446.09
Torbay Council	£6,652.74	£2,217.58	£2,217.58	£2,217.58	£3,880.77
Warrington Borough Council	£18,665.32	£6,221.77	£6,221.77	£6,221.77	£10,888.10
Warwickshire County Council	£78,558.15	£26,186.05	£26,186.05	£26,186.05	£45,825.58
West Berkshire Council	£12,447.60	£4,149.20	£4,149.20	£4,149.20	£7,261.10
West Midlands Combined Authority	£325,767.77	£108,589.26	£108,589.26	£108,589.26	£190,031.20
West Northamptonshire Council	£7,277.77	£2,425.92	£2,425.92	£2,425.92	£4,245.36
West of England Combined Authority	£409,217.26	£136,405.75	£136,405.75	£136,405.75	£238,710.07
West Sussex County Council	£67,441.25	£22,480.42	£22,480.42	£22,480.42	£39,340.73
West Yorkshire Combined Authority	£319,382.25	£106,460.75	£106,460.75	£106,460.75	£186,306.31
Wiltshire Council	£115,226.10	£38,408.70	£38,408.70	£38,408.70	£67,215.22
Wokingham Borough Council	£53,246.98	£17,748.99	£17,748.99	£17,748.99	£31,060.74

Declaration from Chief Auditor or Section 151 officer in respect of Local Transport Authority Bus Recovery Grant funding (LTA BRG).

Local Authority Name	NOTTINGHAM CITY COUNCIL
Name of Local Authority Authorised signatory	Clive Heaphy
Position of Authorised person signatory	Corporate Director for Finance & Resources

We will endeavour to carry out appropriate investigations and checks to ensure that, in our opinion, in all significant respects, the Local Transport Authority Bus Recovery Grant is used in accordance with the Memorandum of Understanding attached to this declaration and all related Grant Determinations to be determined by the Department for Levelling Up Housing and Communities.

Signature



Name Clive Heaphy

Date 05.10.2021

Memorandum of Understanding – Local Transport Authority Bus Recovery Funding

1. The purpose of this memorandum of understanding (**'MOU'**) is to formalise the working relationship and expectations relating to the payment of the Local Transport Authority Bus Recovery Grant (**'LTA BRG'**) scheme funding from the Department of Transport (**'the Department'**) to the recipient Local Transport Authorities (**'LTAs'**).
2. This MOU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the Parties from the provisions of the MOU. The Parties enter the MOU intending to honour all their obligations.
3. It is the Department's expectation that LTA BRG paid to each LTA under this determination will be used only for the purposes of supporting local bus services from 01 September 2021 to 05 April 2022 (**'the Recovery period'**).
4. The Department expects that any LTA in receipt of LTA BRG will comply with the Department's ask of maintaining concessionary fares (ENCTS) funding to bus operators at pre-Covid levels, in accordance with DfT guidance.
5. LTAs are expected to repay any outstanding funding from LTA CBSSG and/or LTA CBSSG Restart prior to receiving Recovery Funding.
6. LTA BRG funding should be used in the following ways only:
 - a) For claims for tendered services procured by the LTA that are valued at £29, 999 or more, irrespective of the size of the LTA's supported bus services budget
 - b) To cover losses where an LTA, or lower Tier Authority, takes the revenue risk on a tendered service
 - c) To cover losses where an operator takes the revenue risk on a tendered service
 - d) To ensure the provision of a replacement service where a commercial service has been withdrawn, subject to prior agreement with the Department.
 - e) To provide additional tendered services or to alter existing tendered services
 - f) To support community transport services
7. The Chief Internal Auditor of each of the recipient LTAs, or a Section 151 Officer, are asked to sign and return to brg@dft.gov.uk a declaration, to be received no later than **4 October 2021**, in the following terms:
 - *“ We will endeavour to carry out appropriate investigations and checks to ensure that, in our opinion, in all significant respects, the Local Transport Authority Bus Recovery Grant is used in accordance with the Local Transport Authority Bus Recovery Grant Memorandum of Understanding attached to this declaration and all related Grant Determinations to be determined by the Department for Levelling Up Housing and Communities.”.*

- In addition, by **29 October 2021**, using the accompanying pro-forma, LTAs are required to submit a list of all tendered bus services that LTAs have procured, including details such as route number, operator name, DVSA registration number and scheduled mileage over each relevant 28-day period during (a) 1 September 2019 – 15 February 2020 and (b) 1 September 2020 – 15 February 2021 as set out below:
 - a) For 2019/2020:
 - **Period 1:** 1 September 2019 – 28 September 2019
 - **Period 2:** 29 September 2019 – 26 October 2019
 - **Period 3:** 27 October 2019 – 23 November 2019
 - **Period 4:** 24 November 2019 – 21 December 2019
 - **Period 5:** 22 December 2019 – 18 January 2020
 - **Period 6:** 19 January 2020 – 15 February 2020
 - b) For 2020/2021
 - **Period 1:** 1 September 2020– 28 September 2020
 - **Period 2:** 29 September 2020 – 26 October 2020
 - **Period 3:** 27 October 2020 – 23 November 2020
 - **Period 4:** 24 November 2020 – 21 December 2020
 - **Period 5:** 22 December 2020 – 18 January 2021
 - **Period 6:** 19 January 2021 – 15 February 2021
 - LTAs are further required to submit the percentage of pre-Covid concessionary fares (ENCTS) payments currently being made
8. LTAs will be asked, at the end of the scheme, to provide the Department information on the services that they have supported. This will include, but is not limited to:
 - a) Bus services supported
 - b) The financial contribution and date of payment made to each operator
 - c) Mileage (km) tendered bus services have operated
 9. LTAs are expected to have committed to entering Enhanced Partnerships or started the statutory process of franchising services, as set out in the Bus Services Act 2017 to deliver on the ambitions of the National Bus Strategy, working closely with operators.
 10. The Department may amend the information being requested from local authorities.
 11. The Department will use information to inform the broader Government approach to recovery funding.

12. Where the funding allocation has not been wholly used by the local authority in the Recovery period, we ask that any underspend be returned to the Department at the end of the LTA Bus Recovery Grant scheme.

Finance comments:

The Bus Recovery Funding (BRG) has been allocated following applications to the scheme and the amount awarded to Nottingham City Council is £167,059.

There are conditions attached to the use of the grant and the usage most likely to impact Nottingham is:

b) To cover losses where an LTA, or lower Tier Authority, takes the revenue risk on a tendered service

The amount of loss will be calculated to ensure that the grant is used for the specific purposes only and it is intended to factor this into P9 monitoring. The grant has not been factored in so far.

A schedule for the payment of the grant to the Council has been provided as below:

9 December 2021 (p1- 3)	10 January 2022 (p4)	9 February 2022 (p5)	9 March 2022 (p6)	11 April 2022 (p7)
£64,667.93	£21,555.98	£21,555.98	£21,555.98	£37,722.96

This grant will support any losses incurred and it is important to ensure at the end of the financial year that any grant not used as intended is clearly accounted for.

Susan Tytherleigh
Finance Business Partner
21.12.21