



Ein cyf/Our ref: ATISN 18537

Dear ,

### **Request for Information – ATISN 18537**

I wrote to you on 16 June 2023 regarding your request for information.

#### **Your request**

You asked for information relating to Covid Bus Emergency Funding. I can confirm that we hold some of the information you have requested. A response to each question is below:

1. What is the legal basis for making additional bus revenue support payments to bus operators as part of the Welsh Government's Bus Emergency Support Scheme?

**Funding under the Bus Emergency Support Scheme (BES) is provided pursuant to public service obligation arrangements put in place pursuant to article 5(5) of regulation 1370/2007 and in accordance with section 7 Transport (Wales) Act 2007, with reimbursement made in accordance with the requirements of regulation 1370/2007.**

- 2/3. What was the criteria for which bus operators were entitled to claim for additional funding under the Welsh Government's Bus Emergency Support Scheme (BES)?

**Each local bus service provider wishing to receive BES funding was required to accept the terms & conditions and criteria as set out in an offer letter issued by individual local authorities. This document is appended at Annex A.**

4. What additional revenue support was provided to each bus operator under the Welsh Government's Bus Emergency Scheme in financial year 2022/23?

**The Welsh Government does not hold details of individual allocations made to local bus service providers. However, we made a total of £33.8m available in 2022-23 for the local authorities across Wales to distribute to those providers signing up to the offer.**

5. What audit and compliance checks have been carried out to verify the payments to operators as part of the Welsh Government's Bus Emergency Scheme (BES)?

**I can confirm that the Welsh Government does not hold this information.**



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**BES is being administered by five regional lead local authorities: Flintshire for north Wales; Ceredigion County Council for mid west Wales; Powys County Council for mid east Wales; City of Swansea Council for south west Wales and Monmouthshire Council for south east Wales. You may wish to contact them directly for this information. Although they have confirmed that financial reconciliation of BES payments has and is taking place.**

**The local authority's contact details can be found through the following web link:**

**[Find your local authority | GOV.WALES](#)**

**Transport for Wales have commissioned EPM to undertake audits of individual operators.**

6. Provide a breakdown of payments made to individual bus operators under the mandatory concessionary travel scheme in Wales?

**I can confirm that we hold information regarding a breakdown of payments made to individual bus operators under the mandatory concessionary travel scheme in Wales. I have concluded, however, that it is exempt from disclosure under Section 43, commercial interests, of the Freedom of Information Act 2000. The reasoning for withholding the information is given at Annex B at the end of this letter.**

7. What assessment has the Welsh Government made on best value from the Welsh Government's Bus Emergency Scheme?

**We do not currently hold the information you have requested.**

**The BES initiative ran to 24 July 2023, when it was replaced by the Bus Transition Fund to the end of financial year 2023-24. Whilst a full assessment is yet to be completed, early indications are that it achieved its principal aim of sustaining the pre-covid bus network.**

**Each iteration of the BES scheme has been refined based on learnings from the previous scheme. The Bus Transition Fund is being used to support a network as identified by local authorities.**

8. Request to release information on professional bodies or named individuals representing the bus industry in Wales at meetings with Welsh Government Officials to discuss the Welsh Government's Bus Emergency Scheme?

**The following bodies were engaged with the Welsh Government in discussion on BES and its replacement:**

**ATCO Cymru  
Bus Users Cymru  
CaBAC**

**Confederation of Passenger Transport  
Transport for Wales  
WLGA**

9. Does the Welsh Government have any policies to encourage local authorities to utilise scheduled local bus services rather than dedicated school buses for pupils eligible for free 'home to school' travel in Wales?

**The Welsh Government does not have any specific policies which encourage local authorities to utilise scheduled local bus services rather than dedicated school buses for pupils eligible for free 'home to school' travel in Wales.**

**As part of the planning exercises for the Bus Transition Fund, which is the successor to BES local authorities were asked to specifically consider the needs of learners as they planned their local bus networks.**

10. Does the Welsh Government have any policies or published any guidance on the provision of pupil transport for curricula or noncurricular activities?

**The Learner Travel Statutory Provision and Operational Guidance (2014) sets out the policy on learner travel for curricular and extracurricular activities.**  
[Learner travel: statutory provision and operational guidance | GOV.WALES](#)

11. Does the Welsh Government have any policies or published any guidance on the use of local authority owned 'in house' passenger fleet vehicles?

**The Welsh Government does not have any policies or published any guidance on the use of local authority owned 'in house' passenger fleet vehicles.**

12. Does the Welsh Government hold any information on the use made by local authorities of their 'in house' passenger vehicle fleet on evenings and weekends, or any assessments made by local authorities on the potential use of 'in house' vehicles to replace contracted bus and coaches during these time periods?

**I can confirm that we do not hold any of the information you have requested regarding the local authorities 'in house' passenger vehicles. I would suggest that you contact the local authorities directly for this information. Please see response to question 5 on how to get in contact with each local authority.**

13. Why has the cost of providing contracted bus services exceeded local authority prescribed budgets?

**This information is not held by the Welsh Government at this moment in time. You may wish to contact each local authority in turn, please see response to question 5 on how to get in contact with each local authority.**

14. What assessment has been made on the provision and costs of providing education transport services by local authorities in Wales?

**As part of local authority annual financial returns the Welsh Government collects and publishes information on local authority expenditure on schools**

including expenditure on school transport. The information is available here [Local authority budgeted expenditure on schools | GOV.WALES](#).

**A review of the Learner Travel (Wales) Measure is currently taking place; as part of this review local authorities have been asked to provide information on the provision and costs of education transport services. This information is not currently available for release.**

15. What additional revenue support funding will be made available by the Welsh Government to support the provision of local bus services in the remainder of financial year 2023/24.

**As well as providing funding under the Bus Emergency Scheme and Bus Transition Fund, we will continue to provide Bus Services Support Grant funding to local authority's to enable them to secure social necessary local bus services, and community transport services and Transport for Wales & local authorities commissioning of TrawsCymru services.**

### **Next steps**

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ  
or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales). Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

**Yours sincerely**

**FOI Team**

**BES terms & conditions and criteria as set out in an offer letter**

*Document attached*

## **Section 43 (2) – Commercial Interests**

The information caught by this exemption relates to question six of the request regarding a breakdown of payments made to individual bus operators under the mandatory concessionary travel scheme in Wales. Decisions relating to non-disclosure of this information have been taken with due consideration of the exemptions identified under Section 43(2) of the Freedom of Information Act 2000 (FOIA). This exemption states that:

*(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

Section 43 is a qualified (public interest tested) exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it. I have therefore given consideration to the effects of disclosure of the information to the world at large as the information is made available to anybody and everybody, not just the requestor.

### ***Public Interest For Release***

I recognise the general public interest in openness and transparency and releasing the information would help the public gain a better understanding of the decisions made by Government. It is also recognised that there is a public interest in how public money is to be, or has been, used to ensure that Government gets the best value from the public purse.

### ***Public Interest Against Release***

The mandatory concessionary travel scheme is administrated by the local authorities in Wales and whilst we, the Welsh Government, hold this information, the operators are reluctant for this information to be released due to it containing, commercially sensitive financial data.

The list of operators who claimed BES funding has already been released into the public domain following a previous Freedom of Information request (reference ATISN 17318). To disclose their individual payments would mean disclosing commercially sensitive, financial information, which the bus operators rely on in order to undertake their business activities in a competitive market. This information is commercially sensitive to each bus operator and disclosure would be likely to cause the operators commercial disadvantage when bidding against their competitors for any future similar tenders.

I believe the public interest is satisfied by the amount of information being disclosed in response to this request for information.

I am aware that as a general rule, the sensitivity of information is likely to reduce over time, so that the age of information, or timing of the request may be relevant in

determining whether to apply the exemption, or where the public interest may lie. In this case, however, the information captured is very much current information.

In conclusion, I believe that the balance of the public interest therefore falls in favour of withholding the information relating to the breakdown of payments made to individual bus operators under the mandatory concessionary travel scheme in Wales.