



WARRINGTON
Borough Council

Enhanced Partnership Scheme

Effective Date: 1 July 2022

Variations:	Date of Variations:
1	15 February 2023
2	30 June 2023
3	31 January 2024
4	7 March 2024

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1. Introduction

THE WARRINGTON ENHANCED PARTNERSHIP (WEP) SCHEME FOR BUSES IS MADE IN ACCORDANCE WITH SECTION 138G(1) OF THE TRANSPORT ACT 2000 BY WARRINGTON BOROUGH COUNCIL (WBC)

SECTION 1 – ENHANCED PARTNERSHIP SCHEME CONTENT

This document fulfils the statutory requirements for an Enhanced Partnership (EP) Scheme. In accordance with statutory requirements in section 138 of the Transport Act 2000, the EP Scheme document sets out:

- Section 2 – Scope of the EP Scheme and commencement date;
- Section 3 – Obligations on WBC;
- Section 4 – Obligations on Operators of Qualifying Bus Services; and
- Section 5 – Governance Arrangements.

The EP Scheme can only be put in place if an associated EP Plan has been made. Therefore, this document should be considered alongside the associated EP Plan.

The EP Scheme has been jointly developed by WBC and those Operators that operate Qualifying Bus Services in the EP Scheme Area. It sets out obligations and requirements on WBC, as both the Local Transport Authority (LTA) and the Local Highway Authority (LHA), and on Operators of Qualifying Bus Services in order to achieve the intended improvements, with the aim of delivering the objectives of the associated EP Plan.

2.4. Exempted Services

All Registered Local Bus Services are included in the EP Scheme, with the exception of services ('Exempted Services') that are exempted through one or more of the following exemption criteria:

- Any Registered Local Bus Service operated under sections 89 to 91 of the Transport Act 1985.
- Any Registered Local Bus Service operated under section 22 of the Transport Act 1985.
- Any Registered Local Bus Service that has at least one departure provided exclusively for specific employees of particular employers, or provided exclusively for students of schools or colleges.
- Any Registered Local Bus Service that operates excursions or tours, within the meaning set out in section 137(1) of the Transport Act 1985.
- Any Registered Local Bus Service or coach service that, inside the EP Scheme Area, does not stop at any stopping places within the meaning set out in section 137(1) of the Transport Act 1985, other than Warrington Bus Interchange.
- Any Registered Local Bus Service or coach service that neither commences nor terminates within the EP Scheme Area.
- Any Registered Local Bus Service or coach service that is not eligible for Bus Services Operators Grant (BSOG).
- Services of limited duration provided in conjunction with specific events.

3. Obligations on Warrington Borough Council

3.1. Adopted Facilities

WBC shall continue to provide and maintain the existing bus priority measures at the locations presented in **Figure 3.1** and detailed in **Table 3.1**.

Figure 3.1: Bus Priority Measures in Warrington

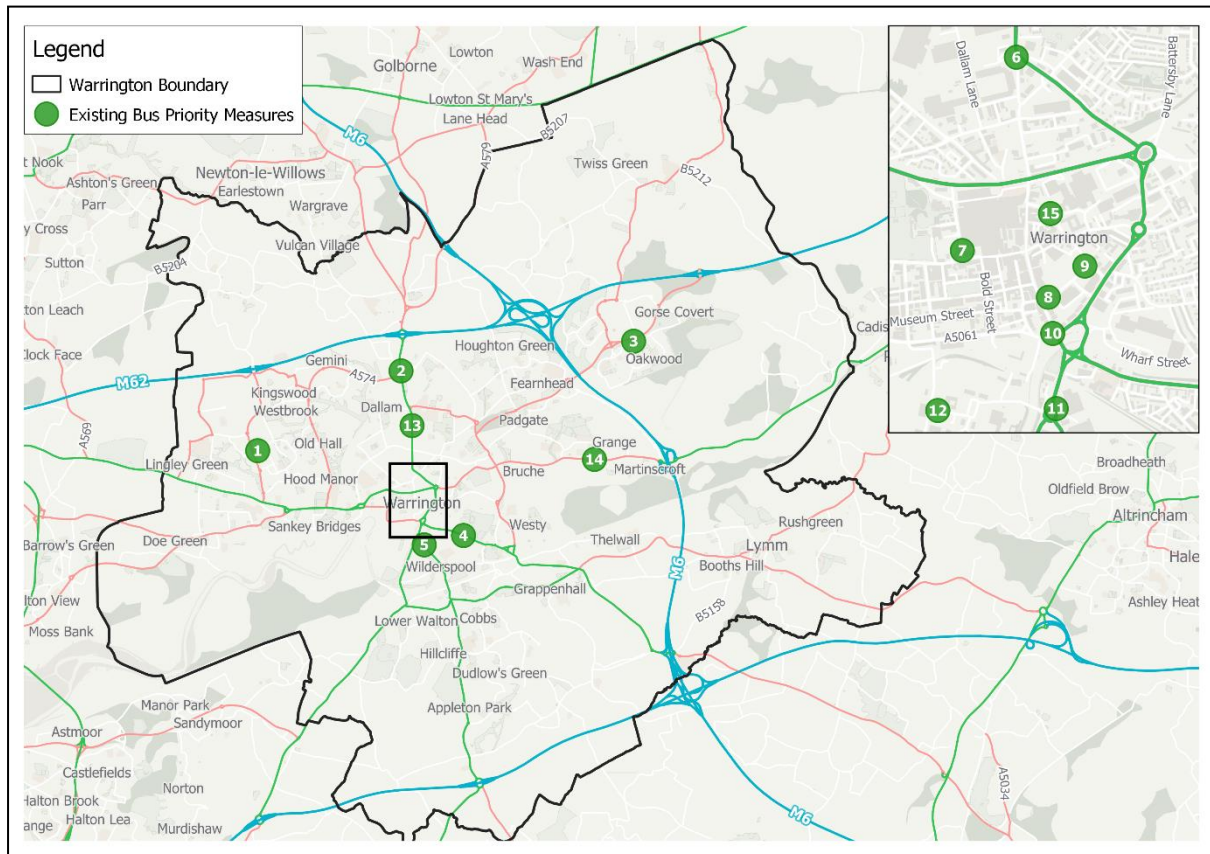


Table 3.1: Bus Priority Measures in Warrington

Map Reference	Location	Operational Hours	Vehicles Permitted	From	To	Length
1	Boston Boulevard (both directions)	07:00 – 19:00	Bus / Cycle / Taxi	Whittle Avenue	East of Portland Avenue	435m
2	A49 Winwick Road (southbound)	24 hour	Bus / Cycle / Taxi	Opposite Brendan Avenue	Sandy Lane West	220m
3	Birchwood bus gate – Faraday Street (both directions)	24 hour	Bus	Birchwood Way	Ordnance Avenue	120m
4	A5061 Knutsford Road (northbound)	07:30 – 09:30	Bus / Cycle / Taxi	St Mary's Street	Old Road	265m
5	A49 Wilderspool Causeway (northbound)	07:30 – 9:30, 16:30 – 18:30	Bus / Cycle / Taxi	Gainsborough Road	River Road	730m
6	A49 Winwick Street Bus gate (northbound)	24 hour	Bus	Silver Street	A49 Winwick Road	60m
7	Legh Street (southbound)	24 hour	Bus / Cycle / Taxi	Bath Street	Sankey Street	140m
8	Academy Way (eastbound)	24 hour	Bus / Cycle / Taxi	Bridge Street	Moulders Lane	40m
9	Academy Street (northbound)	24 hour	Bus / Cycle / Taxi	Academy Way	Buttermarket Street	130m
10	Lower Bridge Street (both directions)	05:00 – 19:00	Bus / Cycle / Taxi	Mini roundabout	Bridgefoot	25m
11	Bus gate into existing bus depot	24 hour	Bus	A49	Bus Depot	50m
12	Centre Park bus gate (both directions)	24 hour	Bus	Slutchers Lane	Centre Park Square	180m
13	Alder Lane bus gate (westbound)	24 hour	Bus / Cycle	Alder Lane	Winwick Road	45m
14	A57 Old Manchester Road bus gate (westbound)	24 hour	Bus	Manchester Road	Cliftonville Road	60m
15	Scotland Road	24 hour	Bus / Cycle / Taxi	Cockhedge Way	Prince Henry Square Car Park Exit	50m

WBC shall also continue to provide and maintain the Warrington Bus Interchange.

While it is WBC's intention to provide and maintain infrastructure at bus stops, including, without limitation, bus stop poles and flags, shelters, seating and information displays, the majority of the bus shelter estate was subject to a retendering process at the time of preparing this EP Scheme. Therefore, bus stop infrastructure shall be treated as Potential Facilities for the purposes of this EP Scheme, with details of bus stop infrastructure that have been adopted as Adopted Facilities to be added to the EP Scheme following application of the Governance Arrangements set out at **Section 5**, once the retendering process has been completed.

WBC shall provide by 30 September 2025 the new Facilities set out in Figure 3.2 and Table 3.2 to Table 3.6. These new Facilities are currently forecast to cost £12,500,000 and shall be part-funded using £9,898,000 to be provided to WBC by the Department for Transport (DfT) as part of WBC's Bus Service Improvement Plan (BSIP) funding allocation. A further £2,602,000 is to be funded directly by WBC.

Table 3.2: New bus lanes to be provided by 30 September 2025

Map Reference	Intervention Number	Location	Operational Hours	Vehicles Permitted	From	To	Length
C	1	A49 Winwick Road (Southbound)	24 hours	Bus	Northway	Collegiate Road	170m
J	2	A49 Winwick Road (Southbound)	24 hours	Bus	Bluecoat Street	Tesco Junction	90m

Colour coding of interventions matches colour coding used in Figure 3.2

Table 3.3: New bus gates to be provided by 30 September 2025

Map Reference	Intervention Number	Location	Operational Hours	Vehicles Permitted
H	1	Bus Priority Gate opposite of Tesco	24 hours	Bus
L	2	A49 Winwick Road / Winwick Road, permitting southbound access at the junction	24 hours	Bus

Colour coding of interventions matches colour coding used in Figure 3.2

Table 3.4: Active travel elements (new or enhanced) to be provided by 30 September 2025

Map Reference	Intervention Number	Location	Type	From	To	Length
A	1	Long Lane / Northway	Shared use	Long Lane	Between College Access & Road & Winwick Road College Bus Stop	220m
D	2	A49 Winwick Road (Southbound)	Bi-directional cycle track and segregated footpath	Winwick Road College Bus Stop	Jubilee Way	280m
E	3	A49 Winwick Road (Southbound)	Bi-directional cycle track and segregated footpath	Jubilee Way	Fire Station	420m
F	4	A49 Winwick Road (Southbound)	Shared use	Fire Station	Longford Street	80m
G	5	Longford Street / Watkins Street	Bi-directional cycle track	Longford Street	Watkins Street	20m
I	6	A49 Winwick Road (Southbound)	Bi-directional cycle track and segregated footpath	Watkins Street	Bluecoat Street	35m
Q	7	A49 Winwick Road (Southbound)	Shared use	Bluecoat Street	Oliver Street	85m

Colour coding of interventions matches colour coding used in Figure 3.2

Table 3.5: Traffic signal upgrades (partial or full) to be provided by 30 September 2025

Map Reference	Intervention Number	Location
M	1	Junction of: A50 Long Lane / A49 Winwick Road
N	2	Junction of: A49 Winwick Road / Kerfoot Street / A574 Longford Street
O	3	A49 Triangle

Colour coding of interventions matches colour coding used in Figure 3.2

Table 3.6: New crossings to be provided by 30 September 2025

Map Reference	Intervention Number	Proposed Type	Location
B	1	Toucan Crossing	Long Lane – East of Northway
K	2	Toucan Crossing	Winwick Road – at the Bus gate

Colour coding of interventions matches colour coding used in Figure 3.2

The DfT has announced indicative additional BSIP funding of £1,200,000 for WBC, covering the financial year from 1 April 2024. On confirmation of this funding, WBC shall determine how it can best be used in furtherance of the WEP Principles (as defined within section 5.6), which may involve expenditure on some of the Potential Facilities set out in section 3.2 and/or (as the case may be) some of the Potential Measures set out in section 3.4. The details of this expenditure, and how it is to be used to deliver new Facilities and/or (as the case may be) new Measures, shall be contained in a subsequent Variation to the WEP Scheme.

3.2. Potential Facilities

Dependent on the nature and level of funding provided by Government, WBC may also give consideration to the following Facilities ('Potential Facilities'):

- Delivery of the Town Deal proposals for improved bus priority on the A49 Wilderspool Causeway;
- Developing a programme for delivery of other bus priority measures;
- Developing a bus stop hierarchy that identifies standards for guaranteed levels of infrastructure provision at each level of the hierarchy;
- Increasing provision of at-stop information boards; and
- Increasing the provision of Real-Time Passenger Information (RTPI) at stops.

For the avoidance of doubt, unless a Potential Facility is adopted as an Adopted Facility, WBC is not obliged to deliver that Potential Facility. Prior to the adoption of a Potential Facility as an Adopted Facility, the Governance Arrangements set out at **Section 5** shall be followed. This provides Operators of Qualifying Bus Services with the ability to work with WBC to define what is to be adopted and also provides such Operators with the ability to raise objections through the Operator Objections process, as defined in **Section 5**.

3.3. Adopted Measures

WBC shall:

- Maintain a budget for expenditure on socially necessary services at 2021/22 levels for three years from 1 April 2022 to 31 March 2025;
- Maintain a budget for reimbursement of concessionary travel which is sufficient to adhere to scheme requirements, for three years from 1 April 2022 to 31 March 2025.
- Maintain an additional budget of £4,150,420 to be spent on bus service support ('Network Development Initiative') during the three years from 1 April 2022 to 31 March 2025. This additional budget is to be provided to WBC by the DfT as part of WBC's BSIP funding allocation.

The Network Development Initiative shall involve the identification of proposals for new services and frequency enhancements, including (without limitation) enhancements to evening and weekend frequencies, with determination of the proposals to be funded carried out using the criteria contained within WBC's established tendered service prioritisation matrix. WBC shall procure these services through the normal tendered service process, including the use of de minimis payments where appropriate.

The network enhancements provided through the Network Development Initiative shall be funded on a gross cost basis, with all revenue taken on funded services or on the funded parts of otherwise unfunded services (as the case may be) returned by affected Operators to WBC. WBC shall reinvest all of this revenue in furtherance of the WEP Principles (as defined within section 5.6).

In addition, during the three years from 1 April 2022 to 31 March 2025, WBC shall:

- Maintain a budget of £30,000 that shall be used to publicise the Network Development Initiative and to promote the uptake of concessionary travel, building on the success of the Super Summer Service campaign and the Back to the High Street campaign; and
- Maintain a budget of £120,000 that shall be used to provide technical and administrative support to the WEP process.

This additional budget is to be provided to WBC by the DfT as part of WBC's BSIP funding allocation.

From 1 July 2023, WBC shall introduce a Low Fares Initiative that shall reimburse Operators for reducing their fares on Qualifying Bus Services, drawing from £2,000,000 in revenue funding to be provided to WBC by the DfT as part of WBC's BSIP funding allocation. WBC shall administer the Low Fares Initiative using the processes set out in the Capped Fare Scheme arrangements that have been established by WBC and shall be entered into by WBC and Operators of Qualifying Bus Services in parallel with the WEP Scheme.

From 1 April 2024, WBC shall extend the scope of the Low Fares Initiative and shall reimburse Operators for reducing their fares on Qualifying Bus Services. WBC shall administer the extension to the Low Fares Initiative using the processes set out in the Extended Capped Fare Scheme arrangements that have been established by WBC and shall be entered into by WBC and Operators of Qualifying Bus Services in parallel with the WEP Scheme.

In addition, WBC shall continue to carry out the following activities:

Warrington Bus Interchange Management

- Facility management, including cleaning, security, reactive and proactive measures;
- Accident investigation and damage reporting and rectification;
- Health and safety compliance checks, including audits, walk-around checks, proactive actions such as legionella checks and fire/bomb threat evacuation;
- Stand allocations;
- Publicity updates (paper and electronic);
- Operational protocol management;
- CCTV management and replacement;
- Commit to retention of Travel Shop as an invaluable resource for passengers, either through existing agreements or new arrangements as appropriate; and
- Enforcement.

Bus Stop Management

- Bus shelter estate contract management;

- Management of shelters other than those included in the bus shelter estate contract;
- Management of requests for new shelter provision;
- Renewal and replacement of existing and new poles, flags and cases; and
- Publicity updates.

Planned Events and Utility Works

- Engagement with the WBC Streetworks team and project sponsor to minimise disruption and review within the permit scheme;
- Advising Operators on the extent of expected disruptions and obtaining their feedback;
- Suggesting preferred route diversions or other mitigating courses of action; and
- Publicising consequent service and route changes.

Highway Scheme Development

- Identifying benefits and disbenefits to bus services;
- Agreeing timescales;
- Advertising changes (temporary and permanent) to bus service provision;
- Supporting highway network alterations, including new roads, bus priority measures and structural maintenance; and
- Procuring any new infrastructure, such as stops and shelters, in conjunction with the highways and design teams.

Funding under section 106 of the Town and Country Planning Act 1990 or section 278 of the Highways Act 1980

- Monitoring the development of planning applications;
- Agreeing what bus service interventions are required to support a new or extended development;
- Engaging with Operators about service diversions or designing tenders for new services;
- Procuring new infrastructure, such as stops and shelters, in conjunction with the highways and design teams;
- Supporting and publicising new and diverted bus services; and
- Monitoring bus service performance and patronage levels.

Network Planning

- Specifying, procuring and overseeing contracted / supported services, both new and enhanced; and
- Co-ordinating the education transport eligibility processes where the bus service network is used.

Concessionary Travel

- Managing the process to agree reimbursement levels;
- Working with the Cheshire consortium on agreeing reimbursements to operators;
- Ensuring audit compliance; and

- Managing Operator appeals.

Timetable changes / Publicity

- Liaison with Operators concerning tendered service changes;
- Provision of information to inform the Bus Open Data Service (BODS), National Public Transport Access Nodes (NaPTAN) and Real Time Passenger Information (RTPI);
- Provision of timetable information including in printed, large print and other formats; and
- Production of Christmas and New Year service changes.

As set out in section 3.1, the DfT has announced indicative additional BSIP funding of £1,200,000 for WBC, covering the financial year from 1 April 2024. On confirmation of this funding, WBC shall determine how it can best be used in furtherance of the WEP Principles (as defined within section 5.6), which may involve expenditure on some of the Potential Facilities set out in section 3.2 and/or (as the case may be) some of the Potential Measures set out in section 3.4. The details of this expenditure, and how it is to be used to deliver new Facilities and/or (as the case may be) new Measures, shall be contained in a subsequent Variation to the WEP Scheme.

3.4. Potential Measures

Dependent on the nature and level of funding provided by Government, WBC may also give consideration to the following Measures ('Potential Measures'):

- Commencing a network review process to identify current and future gaps in the network;
- Finalising work being undertaken on the Warrington Mass Transit and Bus Priority Study to identify a network of mass transit routes;
- Co-ordinate the information required to support audio-visual next stop announcements, including ensuring that bus stop naming is consistent and accurate;
- Promoting interventions to be delivered through the EP Scheme; and
- Defining potential parking control interventions, setting out a preferred approach and timetable for delivery.

For the avoidance of doubt, unless a Potential Measure is adopted as an Adopted Measure, WBC is not obliged to deliver that Potential Measure. Prior to the adoption of a Potential Measure as an Adopted Measure, the Governance Arrangements, as set out at **Section 5**, shall be followed. This provides Operators of Qualifying Bus Services with the ability to work with WBC to define what is to be adopted and also provides such Operators with the ability to raise objections through the Operator Objections process, as defined in **Section 5**.

4. Obligations on Operators of Qualifying Bus Services

4.1. Adopted Standards of Service

By 1 July 2022, when an Operator is obliged, prior to submission to the Traffic Commissioner, to provide information to WBC concerning registrations, variations or cancellations of a Qualifying Bus Service, in order to obtain a completed 'Local Registered Service in England Confirmation of Local Authority Notification' Pro-forma (in accordance with the Bus Services Act 2017, The Public Service Vehicles (Registration of Local Services) (Amendment) Regulations 2018), that Operator shall also be required to provide the same information to WBC in either ATCO-CIF format or TransXchange format, details of which can be provided by WBC.

By 1 July 2022, any Operator that operates a Qualifying Bus Service shall be required to maintain a website that provides information to the public on, at minimum, the timetable for each Qualifying Bus Service operated by that Operator. Each Operator that operates a Qualifying Bus Service shall also be required to ensure that its website is maintained such that the information provided concerning each Qualifying Bus Service is current.

By 1 July 2022, each Operator that operates a Qualifying Bus Service within the EP Area shall be required to provide on its website a link to the websites maintained by each other Operator that operates a Qualifying Bus Service and to the section of the website maintained by WBC that relates to buses (www.warrington.gov.uk/buses).

By 15 February 2023, Operators of Qualifying Bus Services shall be expected to have collaborated with WBC to define longer term service levels that meet local demand affordably and sustainably ('Future Viable Network'), as required through the terms of the Bus Recovery Grant Extension Funding.

By 1 April 2023, each Operator that operates a Qualifying Bus Service shall only be permitted to change the timetable for those services three times a year:

- Prior to the start of the Warrington academic calendar spring term in January;
- Prior to the start of the Warrington academic calendar summer term in April; and
- Prior to the start of the Warrington academic calendar autumn term in September.

Each year, WBC shall inform Operators of the exact dates on which changes are permitted ('Service Change Dates') by no later than 31 December, for the following April to March period. Additional timetable changes shall be permitted over the Christmas period, and WBC shall inform Operators of the period over which such changes can be made ('Christmas Service Change Period') by no later than 31 March each year.

Where a Qualifying Bus Service also operates outside the EP Scheme Area, such that it is subject to an EP Scheme and/or a Franchising Scheme (as the case may be) in one or more areas covered by other LTAs, WBC shall seek to agree corresponding service change arrangements with those other LTAs. If corresponding service change arrangements cannot be agreed, any Qualifying Bus Service operating into an area where a corresponding service change arrangement has not been agreed shall be exempt from the requirement.

At the sole discretion of WBC, with agreement not to be unreasonably withheld, timetable changes may be made outside the advised Service Change Dates if circumstances occur that can be demonstrated to be outside the reasonable expectations of an Operator.

For the avoidance of doubt, a timetable shall be deemed to have been changed if an Operator changes one or more of the service timing, frequency, route, start or end point, hours of operation or days of operation, where such changes could relate to the timetable in its entirety or any individual part of that timetable. A timetable shall also be deemed to have been changed if an Operator cancels an entire Qualifying Bus Service.

From 1 July 2023, Operators of Qualifying Bus Services shall be obliged to participate in the Low Fares Initiative, which shall only apply to Qualifying Bus Services. Operators' obligations are set out in the Capped Fare Scheme arrangements that have been established by WBC and shall be entered into by WBC and Operators of Qualifying Bus Services in parallel with the WEP Scheme.

From 1 April 2024, Operators of Qualifying Bus Services shall be obliged to participate in the extension to the Low Fares Initiative, which shall only apply to Qualifying Bus Services. Operators' obligations are set out in the Extended Capped Fare Scheme arrangements that have been established by WBC and shall be entered into by WBC and Operators of Qualifying Bus Services in parallel with the WEP Scheme.

4.2. Potential Standards of Service

WBC shall also discuss with Operators of Qualifying Bus Services the conditions under which the following Standards Of Service ('Potential Standards Of Service') might be included in the EP Scheme:

- The conditions required to deliver improvements on Qualifying Bus Services to evening and weekend service levels, rural daytime service levels, cross-boundary service levels and service levels to key destinations;
- The conditions required to deliver, where appropriate, even gaps in departure times between individual Qualifying Bus Services operated by different Operators;
- An obligation for Operators of Qualifying Bus Services to participate in a Punctuality Improvement Plan with WBC;
- Appropriate forms of Multi-Operator Ticketing that all Operators of Qualifying Bus Services shall be obliged to accept, and the dates by which these might be delivered;
- The steps required for all Qualifying Bus Services to accept contactless payments and the date by which this might be delivered;
- The steps required for all Qualifying Bus Services to achieve Euro VI Equivalent Standards or better and the date by which this might be delivered;
- The steps required for all Qualifying Bus Services to be operated using Zero Emission Vehicles and the date by which this might be delivered;
- The steps required for all Qualifying Bus Services to achieve a minimum standard for display of service destinations and the date by which this might be delivered;
- The steps required for all Qualifying Bus Services to achieve improved on-bus standards, which could include driver training, vehicle cleanliness, provision of CCTV and other

safety measures, and the use of audio-visual announcements, and the dates by which these might be delivered;

- An obligation for Operators of Qualifying Bus Services to publicise bus network maps, to be developed in conjunction with WBC, which cover all Operators, reference walking, cycling and railway routes and routes to key destinations;
- The steps required to extend the reporting of live departure times and bus tracking to all Operators of Qualifying Bus Services and the date by which this might be delivered;
- An obligation for Operators of Qualifying Bus Services to participate in joint promotional schemes with WBC and neighbouring LTAs; and
- An obligation for Operators of Qualifying Bus Services to participate in a jointly agreed passenger charter.

For the avoidance of doubt, unless a Potential Standard Of Service is adopted as an Adopted Standard Of Service, Operators of Qualifying Bus Services are not obliged to adhere to that Potential Standard Of Service. Prior to the adoption of a Potential Standard Of Service as an Adopted Standard Of Service, the Governance Arrangements, as set out at **Section 5**, shall be followed. This provides Operators of Qualifying Bus Services with the ability to work with WBC to define what is to be adopted and also provides such Operators with the ability to raise objections through the Operator Objections process, as defined in **Section 5**.

5. Governance Arrangements

5.1. Warrington Enhanced Partnership Forum

The WEP Plan and Scheme shall be governed by the WEP Forum, comprising:

1. An independent chairperson ('Chair'), who shall be agreed in advance by other members of the WEP Forum and shall not be an employee or representative of WBC or an Operator operating Qualifying Bus Services;
2. Employees or representatives of WBC Passenger Transport and Highways departments; and
3. Employees or representatives of Operators operating Qualifying Bus Services.

In addition, other external organisations may, from time to time, be invited to join the WEP Forum on an advisory basis for fixed periods of time to provide specialist expertise. From time to time (not more than once per financial year), a wider conference of relevant parties including, without limitation, representatives of organisations such as bus user groups, businesses and the Local Enterprise Partnership, may be invited in addition to WEP Forum members to review and discuss the progress of, and future opportunities for, the WEP.

WEP Forum meetings shall take place not less than four times per year, with provision for additional meetings as required to take decisions that in the opinion of the Chair cannot be deferred to a scheduled meeting. Meetings shall be chaired by the Chair and shall be arranged by WBC, who shall also take minutes. Meetings shall normally be held at Warrington Town Hall.

Agendas and meeting papers (including a copy of minutes and outcomes of decisions taken at the previous WEP Forum meeting) shall be circulated by WBC no less than 7 calendar days in advance of each meeting, and draft minutes shall be circulated no more than 14 calendar days after each meeting. Draft minutes shall be approved at the following WEP Forum meeting.

5.2. Variation

The future content of the WEP Plan and Scheme shall be considered by the WEP Forum. Consideration shall be given to a potential WEP Scheme variation (a 'Variation') raised by a WEP Forum member. The proposer of a Variation must demonstrate how this Variation might contribute to achieving the objectives set out in the WEP Plan and current local transport policies. A suggestion for a Variation should be set out in writing and submitted to buses@warrington.gov.uk. On receipt of a valid request for a Variation, WBC shall forward this Variation to all WEP Forum members. Discussion of a Variation shall typically take place during the next scheduled meeting of the WEP Forum, but in circumstances where WBC considers that the proposed Variation requires more urgent discussion, WBC shall reconvene the WEP Forum, giving at least 14 calendar days' notice of the meeting.

If all WEP Forum members present at this meeting agree that the Variation should be considered, based on a single vote per member organisation, with Operators that are subsidiaries of the same owning group only receiving one vote, it shall be subject to a Feasibility Study. WEP Forum members not represented at the meeting, or who do not express an opinion at the meeting, shall be deemed to be abstaining from the decision.

Where WEP Forum members present at the meeting are not in full agreement that the Variation should be considered, each WEP Forum member, including any not present at the meeting, shall be given 7 calendar days to provide a response concerning the proposed Variation in writing to buses@warrington.gov.uk. These responses shall be reviewed by the Chair, with a final decision taken on whether the Variation is to be considered through application of the Variation Mechanism described below.

Where it is agreed that a Variation shall be considered, WBC shall carry out a Feasibility Study in conjunction with a working group made up of other WEP Forum members, with the timescales involved to be agreed by the WEP Forum members. Each Feasibility Study may, without limitation, report on Facilities and Measures that may be delivered by WBC in support of the Variation and the expected impacts on Operators operating Qualifying Bus Services. On receipt of a feasibility study report, Operators operating Qualifying Bus Services shall individually be given 14 calendar days to propose improvements to Standards Of Service that complement the Variation, in furtherance of the aims of the WEP Plan and current local transport policies.

WBC shall review the Standards Of Service proposed by Operators operating Qualifying Bus Services and shall consider whether, in the opinion of WBC, these appear to be proportionate to any Facilities and/or Measures (as the case may be) to be delivered by WBC, having regard to the terms of Schedule 10 of the Transport Act 2000 (the 'Competition Test'). As a result of this review, WBC may propose revisions to the Standards Of Service proposed by one or more Operator operating Qualifying Bus Services, who shall then be given 7 calendar days to consider whether to agree to the proposed revisions.

Following receipt of any responses from Operators operating Qualifying Bus Services, WBC shall consolidate the proposed changes to Facilities, Measures and/or Standards Of Service (as the case may be) into a Variation Proposal that shall be subject to application of the Variation Mechanism, as described below. Following application of the Variation Mechanism, the outcome of this process shall be used to decide whether or not the Variation Proposal is to be adopted.

If the application of the Variation Mechanism confirms that a Variation Proposal is to be adopted, the WEP shall be amended to include this Variation Proposal, including any milestone dates concerning when different aspects of the Variation Proposal are to be adopted.

5.3. Revocation

An EP Scheme can only exist if an EP Plan is in place. If, for any reason, the EP Plan is revoked, it would automatically mean that any associated EP Schemes would cease. Equally, if all EP Schemes ceased, the EP Plan would be revoked. A decision concerning the revocation of the WEP Plan and/or one or more of any associated EP Schemes (as the case may be) shall only be taken following a Review, as described below.

If, following a Review, a WEP Forum member wishes to propose Revocation of one or more of the WEP Schemes and/or the WEP Plan (as the case may be), they shall set out in writing why they consider this action to be appropriate and shall submit this proposal to buses@warrington.gov.uk. On receipt of a valid request for Revocation, WBC shall forward this proposal ('Revocation Proposal') to all WEP Forum members and reconvene the WEP Forum, giving at least 14 calendar days' notice of the meeting.

If all WEP Forum members present at this meeting agree that Revocation should occur, based on a single vote per member organisation, with Operators that are subsidiaries of the same owning group only receiving one vote, the Revocation Proposal shall be adopted, in line with the processes set out in the Bus Services Act 2017 and any subsidiary legislation. WEP Forum members not represented at the meeting, or who do not express an opinion at the meeting, shall be deemed to be abstaining from the decision.

Where WEP Forum members present at the meeting are not in full agreement with the Revocation Proposal, each WEP Forum member, including any not present at the meeting, shall be given 7 calendar days to provide a response concerning the Revocation Proposal in writing to buses@warrington.gov.uk. These responses shall be reviewed by the Chair, with a final decision taken on whether the Revocation Proposal is to be adopted through application of the Variation Mechanism described below.

The above notwithstanding, if WBC should decide to pursue Franchising Scheme powers, as defined within the Bus Services Act 2017, the WEP shall cease to apply in the area covered by the Franchising Scheme from the commencement date of the Franchising Scheme.

5.4. Review

Once made, the WEP shall be reviewed by the WEP Forum (a 'Review') every six months, following publication of data on progress towards the targets set out in the Warrington BSIP, as may be varied from time to time. WBC shall initiate and carry out these Reviews, with support from all WEP Forum members.

If, following a Review, the WEP Forum or any member thereof considers that the outputs set out in the WEP and/or (as the case may be) the targets set out in the BSIP may not be achieved, or that the outputs set out in the WEP are no longer aligned with achievement of the targets set out in the WEP, the WEP Forum, or that member, may propose a Variation or Revocation (as the case may be) by following the processes set out elsewhere for the proposal of Variation or Revocation.

In addition, if a WEP Forum member considers that there has been a material change in circumstances that may affect achievement of the aims of the WEP or current local transport policies, that member may propose an additional Review at any time, by following the process set out above for proposing a Variation. Without limitation, it may be considered appropriate to request an additional Review if there is a material change in:

1. Legislation;
2. Local, regional or national policy;
3. WBC funding; or
4. Circumstances affecting the demand for bus use and/or (as the case may be) the cost of bus operations.

5.5. Variation Mechanism

There are three aspects to the Variation Mechanism:

1. Operator Objections;
2. WBC Veto; and
3. Chair Opinion on the WBC Veto.

The Operator Objections aspect shall follow the process defined in the Enhanced Partnership Plans and Schemes (Objections) Regulations 2018 ('Objections Regulations'), as amended from time to time, in relation to the making of an EP, except that the minimum period for objections to be registered may be reduced from 28 calendar days to 14 calendar days in circumstances that are agreed by WEP Forum members. Operator Objections shall be assessed using two criteria; if either is satisfied, it shall be deemed that Operators are not in support of the proposed Variation or Revocation. These criteria are:

1. Criterion 1: the combined registered distance of the Qualifying Bus Services operated by objectors in the EP Scheme Area is at least 25% of the total registered distance of all Qualifying Bus Services operated by all the Operators in the EP Scheme Area and, if there are four or more Operators operating Qualifying Bus Services in the EP Scheme Area, at least three are objectors, or if there are fewer than four Operators operating Qualifying Bus Services in the EP Scheme Area, all are objectors.
2. Criterion 2: at least 50% of the total number of Operators operating Qualifying Bus Services in the EP Scheme Area object and the combined registered distance of Qualifying Bus Services operated by the objectors in the EP Scheme Area is at least 4% of the registered distance of all Qualifying Bus Services operated by all the Operators in the EP Scheme Area.

In determining the total registered distance of all Qualifying Bus Services in the EP Scheme Area and the registered distance of Qualifying Bus Services in the EP Scheme Area that are operated by objectors, the Department for Transport guidance on the requirements for establishing an EP (as may be amended from time to time) shall be followed. The services deemed to be Qualifying Bus Services and their registered distances shall be determined on the basis of each service registered with the Traffic Commissioner to be in operation in the week prior to the Operator Objections process commencing.

The WBC Veto aspect exists as a control to ensure that:

1. The voting system does not allow an individual Operator to influence the WEP to its own commercial benefit or to harm competitors;
2. There is no opportunity for a group of Operators to vote in a co-ordinated manner to mutual benefit on a sustained basis; and
3. Actual or potential competition, entry to new services and by new Operators, or innovation, is not inhibited, except where such actions can be certified by WBC as passing the Competition Test.

WBC may, in exceptional circumstances, exercise the WBC Veto over decisions that it may reasonably believe or suspect as having anti-competitive implications or being otherwise contrary to the aims of the WEP, current local transport policies and/or (as the case may be) not in the public interest. Without limitation, such circumstances may include the following:

1. WBC has insufficient funding to deliver a Variation Proposal;
2. There is insufficient public support for a Variation Proposal, as demonstrated through public consultation; or
3. WBC does not consider the Standards Of Service proposed by Operators to be proportionate to Facilities and/or Measures (as the case may be) to be delivered by WBC.

If WBC decides to apply the WBC Veto, it shall provide the Chair with a written explanation as to why, in its opinion, the WBC Veto should be applied. The Chair shall consider this written explanation and shall inform WBC whether, in the Chair's opinion, application of the WBC Veto is appropriate. If the Chair does not consider application of the WBC Veto to be appropriate, they shall give WBC the opportunity to withdraw the WBC Veto or to provide the Chair with further written explanation as to why the WBC Veto should be applied.

Following this process, the Chair shall report to WEP Forum members on the outcome from the Operator Objections aspect of the Variation Mechanism, on whether or not WBC has decided to apply the WBC Veto and on the Chair Opinion on the WBC Veto. A Variation shall not be progressed if:

1. At least one of the Operator Objections criteria is met; and/or (as the case may be)
2. WBC applies the WBC Veto.

For the avoidance of doubt, WBC shall not be obliged to be bound by the Chair Decision on the WBC Veto, but in the interests of partnership and co-operative working with Operators, WBC shall not apply the WBC Veto unreasonably and shall explain to other WEP Forum members the reasons why, in its opinion, it is appropriate to apply the WBC Veto. If Operators operating Qualifying Bus Services consider application of the WBC Veto to be inappropriate, they may take action through other aspects of these Governance Arrangements including, without limitation, proposing Revocation.

Revocation shall not be progressed if at least one of the Operator Objections criteria is met. In the case of Revocation, the aspect of the Variation Mechanism relating to the WBC Veto and the Chair Decision on the WBC Veto shall not be applied.

5.6. Measuring Success and Reinvestment Protocols

In order to monitor the impacts of schemes delivered through the WEP, Operators shall provide to WBC the following information ('Monitoring Data') on Registered Local Bus Services:

- Patronage by Registered Local Bus Service, split between those passengers travelling for free as a result of the English National Concessionary Travel Scheme (ENCTS) ('Concessionary Passengers') and other passengers ('Non-Concessionary Passengers');
- Passenger revenue by Registered Local Bus Service;
- Concessionary reimbursement by Registered Local Bus Service, received as a result of that Operator's participation in the ENCTS;
- Other revenue by Registered Local Bus Service, including (without limitation) subsidy received from WBC as a result of services being operated under sections 89 to 91 of the Transport Act 1985. For the avoidance of doubt, sources of other revenue shall only be included in the Monitoring Data if they relate to travel by passengers and/or payment for the provision of bus services to be used by passengers (as the case may be). Revenues such as (without limitation) advertising revenue and revenue that relates to an aspect of an Operator's business other than the operation of its bus services shall be excluded;
- Operating costs by Registered Local Bus Service. For the avoidance of doubt, operating costs shall include direct costs, an allocation of semi-direct costs and an allocation of overheads, but only where those costs could be considered to relate to the operation of that Operator's bus services, with the cost of any other aspect of the Operator's business

that does not relate to operation of bus services excluded. BSOG should be accounted for as a cost, rather than a revenue;

- Vehicle requirement by Registered Local Bus Service, including how this varies throughout the day and week;
- In-service vehicle mileage by Registered Local Bus Service, including how this varies throughout the day and week;
- Timetabled running time by Registered Local Bus Service, including how this varies throughout the day and week; and
- Punctuality by Registered Local Bus Service.

It is presumed that each Operator would use its standard approach to route profitability analysis when apportioning revenue and costs to bus services where these cannot be directly attributed to a single bus service.

Where a Registered Local Bus Service also operates outside the WEP Scheme Area, the Monitoring Data to be provided to WBC shall relate solely to the section of route within the WEP Scheme Area. The methodology for how information is to be apportioned to different sections of route shall be agreed between each affected Operator and WBC.

Where the Monitoring Data retained by an Operator can be provided to WBC without that Operator incurring an unreasonable level of cost, this information is to be provided to WBC individually for each of the twelve months prior to the start of the COVID-19 pandemic, which shall be deemed to have started in March 2020 ('Pre-Pandemic Monitoring Data').

Where an Operator cannot supply such information, that Operator, acting reasonably, shall discuss with WBC what information can be provided that as closely matches the Monitoring Data as possible and shall provide this information to WBC instead.

From 15 February 2023, all Operators of Qualifying Bus Services shall provide all of the Monitoring Data to WBC on a monthly basis ('Current Monitoring Data'), no later than three months after the end of the month to which the information relates.

WBC shall use the Monitoring Data solely for the purposes of administration of the WEP and monitoring the performance of the WEP. All Monitoring Data shall be stored by WBC in a secure manner that reflects its confidential nature. WBC acknowledges that the Monitoring Data may represent information that is exempt from disclosure under a Freedom of Information Act 2000 request, although the final decision concerning disclosure shall reside with WBC and shall be made on a case by case basis.

In order to determine how reinvestment by Operators and/or by WBC (as the case may be) is to be targeted, the WEP Forum shall draw up a list of principles ('WEP Principles') that can be used to indicate the types of improvement that would benefit from reinvestment, with this list also prioritised, such that some types of improvement are ranked higher than others. WBC shall have cognisance of this list when determining how to reinvest any revenue received through the Network Development Initiative.

The level of Operator reinvestment required shall be determined by Operator, aggregated across the costs and revenues for all of that Operator's services in the WEP Scheme Area, using the following steps ('Operator Reinvestment Calculations'):

1. Turnover = passenger revenue + concessionary reimbursement + other revenue, calculated over a 12 month period.
2. Profit = turnover – operating costs, calculated over a 12 month period on the basis of Earnings Before Interest and Taxes (EBIT).
3. Profit margin = profit / turnover, calculated over a 12 month period.
4. In the first year after the commencement of this Variation, the Target Profit Margin shall be calculated as follows:
 - If the profit margin obtained from the Pre-Pandemic Monitoring Data is equal to or in excess of 10%, the Target Profit Margin shall be taken as this profit margin.
 - If the profit margin obtained from the Pre-Pandemic Monitoring Data is lower than 10%, the Target Profit Margin shall be taken as this profit margin plus five percentage points ('Allowable Margin Increase'), unless:
 - the addition of the Allowable Margin Increase results in a Target Profit Margin that is lower than 7%, in which case the Target Profit Margin shall be taken as 7%; or
 - the addition of the Allowable Margin Increase results in a Target Profit Margin that is in excess of 10%, in which case the Target Profit Margin shall be taken as 10%.
5. For years after the first year, the Target Profit Margin shall be the value indicated by step 10 or step 11 (as the case may be).
6. Should a new Operator of Qualifying Bus Services commence operation within the WEP Scheme Area, their first Target Profit Margin shall relate to their first full year of operation.
7. Reinvestment shall be due if the profit margin obtained from the Current Monitoring Data for the year just completed ('Current Profit Margin') exceeds the Target Profit Margin, where the Operator in question must reinvest 75% of the increase in their profit, determined as follows:
 - $\text{Reinvestment} = (\text{Current Profit Margin} - \text{Target Profit Margin}) \times \text{turnover}$ for the most recent 12 month period x 75%.
8. If an Operator considers that its Current Profit Margin may exceed the Target Profit Margin as a result of actions to improve profitability taken by that Operator outside the WEP process, the Operator shall provide evidence to WBC to support this assertion. WBC shall review the evidence and, acting reasonably, shall determine whether a revised methodology may be required that sets aside all or a portion (as the case may be) of the calculated reinvestment. For the avoidance of doubt, WBC shall consider most actions that relate to the provision of bus services to be used by passengers to be part of the WEP process, especially where such actions provide improvements that reflect one or more of the WEP Principles. Should an Operator disagree with WBC's determination that the actions in question fall within the WEP process, that Operator may request that the Chair of the WEP Forum reviews WBC's determination. Following consideration of WBC's determination, the Chair shall provide a written response setting out whether he or she is in agreement with the determination. Should WBC or the Operator in question disagree with the Chair's decision, that decision may be referred to an arbitration process, with this process to be agreed by the WEP Forum.

9. Where reinvestment is due, if an Operator considers that it may be unable to reinvest all or a portion (as the case may be) of the calculated reinvestment, the Operator shall provide evidence to WBC setting out why this may be the case. WBC shall review the evidence and, acting reasonably, shall determine whether a revised methodology may be required that defers or sets aside all or a portion (as the case may be) of the calculated reinvestment. For the avoidance of doubt, WBC shall generally only consider such actions to be appropriate if it determines that the evidence provided by the Operator demonstrates circumstances that a competent Operator may not reasonably be expected to account for when undertaking its business. Should the Operator in question disagree with WBC's determination, that Operator may request that the Chair of the WEP Forum reviews WBC's determination. Following consideration of WBC's determination, the Chair shall provide a written response setting out whether he or she is in agreement with the determination. Should WBC or the Operator in question disagree with the Chair's decision, that decision may be referred to an arbitration process, with this process to be agreed by the WEP Forum.
10. If step 7 indicates that no reinvestment is due, the Target Profit Margin for the next year shall be the same as the Target Profit Margin in that year.
11. If step 7 indicates that reinvestment is due, unless a revised methodology is adopted following steps 8 and 9, the Target Profit Margin for the next year shall be calculated as follows:
 - Target Profit Margin = $1 - (\text{operating costs for the year just completed} + \text{the level of reinvestment calculated at step 7}) / \text{turnover for the year just completed}$.

An example of the workings of the Operator Reinvestment Calculations is provided in Annex B.

The Operator Reinvestment Calculations process shall occur annually for each Operator of Qualifying Bus Services, commencing from April 2024, such that the first year to be reviewed shall be from 1 April 2023 to 31 March 2024. Each Operator shall be expected to have reinvested the full amount of reinvestment pertaining to them in the year following the review in question.

For the avoidance of doubt, funding provided by Government in furtherance of the aims of the WEP is not intended to offset a reduced level of Operator profitability following COVID-19. Therefore, Operators shall be expected to have implemented their Future Viable Network as set out in section 4.1.

Where an Operator is required to reinvest, that Operator shall put forward to WBC a plan for how they propose to reinvest ('Reinvestment Plan'), demonstrating how this reinvestment reflects the WEP Principles. Acting reasonably, WBC shall accept the Reinvestment Plan unless it demonstrably fails to reflect the WEP Principles and/or does not match the approximate level of reinvestment indicated by the Operator Reinvestment Calculations (as the case may be).

If WBC does reject a Reinvestment Plan, the affected Operator shall be given the opportunity to revise their Reinvestment Plan. If WBC considers, acting reasonably, that the revised Reinvestment Plan still fails to reflect the WEP Principles and/or fails to match the approximate level of reinvestment indicated by the Operator Reinvestment Calculations (as the case may be), WBC may be obliged to use the Enhanced Partnership powers to impose additional Standards of Service on Operators.

Annex A – Definitions used in the Enhanced Partnership Scheme

Adopted Facilities – Facilities that Warrington Borough Council is obliged to deliver through the terms of this EP Scheme.

Adopted Measures – Measures that Warrington Borough Council is obliged to deliver through the terms of this EP Scheme.

Adopted Standards Of Service – Standards Of Service that Operators of Qualifying Bus Services are obliged to adhere to through the terms of this EP Scheme.

ATCO-CIF – an electronic protocol supporting the transfer of bus route and timetable information.

Back to the High Street – a campaign launched in 2022 by WBC in conjunction with Warrington’s Own Buses.

Bus Open Data Service (BODS) – open data service that provides bus timetable, vehicle location and fares data for every Registered Local Bus Service in England.

Bus Recovery Grant (BRG) Extension Funding – a discretionary grant that may from time to time be paid by Government under section 154(1) of the Transport Act 2000 to support Operators in England following reductions in revenue due to the impacts of COVID-19, and as defined within the BRG Extension Terms and Conditions dated 14 April 2022, that may be updated from time to time

Bus Service Operators Grant (BSOG) – a discretionary grant paid by Government to Operators of eligible Registered Local Bus Services to help them recover some of their fuel costs.

Capped Fare Scheme – arrangements that have been established by WBC, as may be varied from time to time, that define maximum fares for certain categories of passenger and the processes through which WBC shall reimburse Operators for their participation in these arrangements.

CCTV – closed circuit television system, whereby static or mobile cameras are used to record offences or for surveillance and safety and security purposes.

CVRAS – Clean Vehicle Retrofit Accreditation Scheme (CVRAS), which is a certification scheme for manufacturers of retrofit emissions reduction technology.

English National Concessionary Travel Scheme (ENCTS) – a mandatory bus concessionary travel scheme for older and disabled people as defined within section 145 of the Transport Act 2000.

EP Plan – an Enhanced Partnership Plan within the meaning set out in section 138A of the Transport Act 2000.

EP Scheme – an Enhanced Partnership Scheme within the meaning set out in section 138A of the Transport Act 2000.

EP Scheme Area – the area to which this EP Scheme document applies.

Euro VI Equivalent Standards – Euro VI diesel bus or a bus with CVRAS approved technologies retrofitted to a diesel bus to reduce Nitrogen Oxide (NOx) and Particulate Matter (PM) emissions and achieve Euro VI equivalent standards.

Exempted Services – types of Registered Local Bus Service that are not included in the provisions of this EP Scheme, as set out in **Section 2** (of this document).

Facilities – as set out in Section 138D of the Transport Act 2000.

Franchising Scheme – shall have the meaning set out in section 123A of the Transport Act 2000.

Governance Arrangements – the processes set out in **Section 5** (of this document).

Measures – as set out in Section 138D of the Transport Act 2000.

Multi-Operator Ticketing – common fares and ticketing product applied and accepted by multiple operators.

National Public Transport Access Nodes (NaPTAN) – dataset of the geographic locations of all points where bus users can access or egress buses.

Operator – an operator, within the meaning set out in section 81 of the Public Passenger Vehicles Act 1981, of a Registered Local Bus Service.

Potential Facilities – Facilities that Warrington Borough Council is not obliged to deliver through the terms of this EP Scheme, but which may be adopted to become Adopted Facilities, subject to application of the Governance Arrangements.

Potential Measures – Measures that Warrington Borough Council is not obliged to deliver through the terms of this EP Scheme, but which may be adopted to become Adopted Measures, subject to application of the Governance Arrangements.

Potential Standards Of Service – Standards Of Service that Operators of Qualifying Bus Services are not obliged to adhere to through the terms of this EP Scheme, but which may be adopted to become Adopted Standards Of Service, subject to application of the Governance Arrangements.

Punctuality Improvement Plan – an agreement between a Local Transport Authority and Operators to monitor and report on the level of bus service timetable compliance, with actions to be agreed on the steps required to improve timetable compliance.

Qualifying Bus Services – Registered Local Bus Services that are included in the provisions of this EP Scheme, where Registered Local Bus Services that are defined as Exempted Services do not fall within the definition of Qualifying Bus Services.

Registered Local Bus Service – as set out in Section 2 of the Transport Act 1985. For the purposes of this EP Scheme, differentiation is also made between individual services by route number on the same registration when determining Qualifying Bus Services.

RTPI – using technology to track the location of buses in real time. Information is transmitted to bus stops or devices to indicate to passengers the predicted arrival time at a particular point.

Standards Of Service – shall relate to all requirements in respect of local services as set out in section 138C of the Transport Act 2000.

Super Summer Service (SSS) – a campaign launched in Warrington on 25 July 2022 that offered enhanced evening bus services, cheaper evening bus fares and removal of the restriction on concessionary bus travel before 0930 on weekdays.

TransXchange – an electronic protocol supporting the transfer of bus route and timetable information.

Zero Emission Vehicle – vehicle that emits no pollutants at its tailpipe.

Annex B – Operator Reinvestment Calculations Example

		Pre-Pandemic	Year 1 of WEP	Year 2 of WEP	Year 3 of WEP	Year 4 of WEP
Passenger revenue	a	£80.00	£90.00	£100.00	£105.00	£110.00
Concessionary reimbursement	b	£30.00	£25.00	£30.00	£25.00	£30.00
Other revenue	c	£20.00	£25.00	£25.00	£25.00	£25.00
Turnover	$d = a + b + c$	£130.00	£140.00	£155.00	£155.00	£165.00
Operating costs	e	£120.00	£130.00	£135.00	£140.00	£145.00
Profit	$f = d - e$	£10.00	£10.00	£20.00	£15.00	£20.00
Profit margin	$g = f / d$	7.7%	7.1%	12.9%	9.7%	12.1%
First year calculations						
Is profit margin equal to or in excess of 10%?	Is $g \geq 10\%$?	No				
If yes, target profit margin equals profit margin	$h = g$					
If no, target profit margin is profit margin plus 5 percentage points, with a lower boundary of 7% and an upper boundary of 10%	$i = (g + 5\%)$ OR 7% if lower than this OR 10% if higher than this	10.0%				
Subsequent year calculations						
Target profit margin from previous year	$j = i$ from previous year		10.0%	10.0%	10.7%	10.7%
Is reinvestment due?	Is $g > j$?		No	Yes	No	Yes
Profit to be reinvested	$k = (g - j) \times d \times 75\%$			£3.38		£1.73
Target profit margin						
Target profit margin for next year	$l = h$ OR i OR j OR $1 - (e + k) / d$	10.0%	10.0%	10.7%	10.7%	11.1%