

TRAFFIC COMMISSIONER FOR SCOTLAND

A REPORT TO THE SCOTTISH GOVERNMENT IN RESPECT OF DEVOLVED MATTERS

The appointment of the Traffic Commissioner for Scotland is made by the Secretary of State for Transport under the Public Passenger Vehicles Act 1981 and it is a duty on the Commissioner that a report is made to the Secretary of State on an annual basis, the reporting year being April to March. Within that report it has been practice to include matters within the Traffic Commissioner's jurisdiction which flow from powers now devolved to the Scottish Parliament and Scottish Government. The annual reports of the Traffic Commissioners for Great Britain for 2011-2012 has been published and can be found on the Government's website at www.transportscotland.gov.uk/files/documents/projects/The_Traffic_Commissioner_for_Scotland.pdf. Those reports include statistical tables relating to the licensing of goods and public service vehicles in the different traffic areas of Great Britain of which Scotland is one.

My report to the Secretary of State includes devolved matters as well as those reserved and within the responsibility of the Secretary of State for Transport. The report also highlights work done to ensure consistency of approach by Traffic Commissioners throughout Great Britain.

I have been asked by officials of the Scottish Government to provide a report on my work so far as it relates to devolved matters. I am pleased to do so and take this chance to record my appreciation of the interest shown in my office by Scottish Government Transport Ministers and their officials. This brief report supplements that to the Secretary of State. I was keen in my report to the Secretary of State to give more of a flavour of the PSV work in Scotland as I considered it might be useful for readers in England to learn of the stakeholder relationships in Scotland and in particular with officials of Transport Scotland whether engaged in the administration of concessionary fares, BSOG, the investigation of fraud or bus policy work. I consider myself fortunate to benefit from the generous advice and support of Transport Scotland colleagues.

My devolved duties have remained unchanged since I last reported and are:

Regulatory matters relating to the operation of local bus services.

The determination of taxi fares scales appeals under the Civic Government (Scotland) Act 1982.

The appointment and re-appointment of parking adjudicators to hear appeals against the imposition of parking penalties in those areas of Scotland where parking offences have been decriminalised.

The making of Traffic Regulation Conditions.

Local bus services

The annual reports of the Traffic Commissioners to the Secretary of State contain year on year statistical tables in relation to operator licences and local service registrations. Table 13 which relates to the latter is reproduced as an appendix to this report.

There has been a tiny reduction in the number of live local bus registrations but a much larger number of cancellations and new applications than in previous years and a slight increase in variations. This different pattern within the statistics may reflect new operators having to be brought in with new applications to replace operators who have withdrawn from running either as a planned exercise or the impact of insolvency. Similarly settled operators have replaced services rather than varying existing ones. My Office does not undertake a research function so the statistics are presented as a resource to others who might wish to look at how the sector is faring.

In 2011-12 I held 33 Public Inquiries into public service vehicle operators. These inquiries covered a range of regulatory matters including roadworthiness and compliance with driver's hours and tachograph rules. The figure for 2010-11 was 39 and for 2009-10 were 36. Thus year on year I have been able to maintain a fairly high level of calling to account those bus and coach operators who do not operate safely.

However in relation to the regulation and enforcement of local bus service operation I have a very different picture to report. In relation to local registered services 5 Public Inquiries were held in 2011-2012. This contrasts with the 28 held in 2010-11 and the 19 in 2009-10. The reason for this reduction in Public Inquiries and regulatory action is very simple in that I no longer receive reports from VOSA Bus Compliance Officers who week in week out went out to roadsides to monitor whether buses turned up when and where they should.

Scottish Government supported the VOSA Bus Compliance Officer presence in Scotland by financial support and my gratitude is on record to the Scottish Transport Ministers who from understood the importance of the on street monitoring presence to secure compliance.

With the cessation of the posts of Bus Compliance Officers in Great Britain (and the presence was scant out with Scotland so reform was needed) Scotland has lost this resource. What has replaced the on street monitoring is an educational approach undertaken by VOSA Traffic Examiners. To date I have little confidence that this approach will bring the industry to account in a manner which will serve the travelling public. I only know that I as the industry regulator have lost a powerful tool from my toolkit. All that said I know that Scottish Government officials share many of my concerns and are working to try to find a means whereby I can receive reports from on street monitoring.

Road works continue to bedevil punctual operating. They are the greatest obstacle to punctuality being out with operators' control. For the most part they serve as reasonable excuse but they can also act as a cover to poor operating with the "roadworks excuse" too readily advanced. Other matters such as condition of the

fleet and sufficiency of drivers are within operators' control. The economic climate is such that difficulties in driver recruitment no longer figure in operators' menu of excuses. I regard vehicle roadworthiness as essential to reliable operating and I take a close interest in annual test pass and prohibition rates. The annual test pass rates have improved dramatically in recent years. Unfortunately new buses can develop faults, which is frustrating to passengers and operators alike.

In the absence of Bus Compliance Officers and their reports I have to rely on the assistance of Strathclyde Partnership for Travel monitors for services in the west of Scotland and I do record my continuing appreciation to SPT for their initiatives in driving up standards in the west. Individual members of the public contact my Office direct and those contacts do provide us with some insights into how any given operator is performing. Operators are on notice that I will act on reports from the public though it helps when operators and myself are given precise dates, times, locations and service numbers for the alleged failures. I am grateful to those local Council Public Transport Officers who report incidents of failings on the part of local operators including those contracted to perform school contracts. VOSA and Police checks of school buses and coaches undertaking school trips are vitally important. I take a very hard view of emergency doors being defective and any serious roadworthiness defects. To the outward eye a local operator or driver may seem a friendly helpful person. To the trained eye of a VOSA Examiner the reality may be very different.

VOSA Examiners now benefit from having the statutory Power to Stop vehicles and do not have to await a police presence. I have seen the benefit of those powers in reports to me of roadside encounters. I am delighted that VOSA Examiners in Scotland have had these powers extended to them. VOSA helped me by providing a note for ATCO members to distribute to education departments and schools for a problem for drivers and operators in adhering to the driver's hours rules is the request to alter the timings of a trip when underway.

Taxi fares scales appeals under the Civic Government (Scotland) Act 1982

Three appeals were received this year – against decisions of the Highland Council, West Dunbartonshire Council and Glasgow City Council. Only the latter case went to a hearing which was heard by Deputy Traffic Commissioner Mr R H McFarlane. He dismissed the appeal at a preliminary stage.

Parking adjudications

I did not require to make any new appointments this year as the volume of work was such that the existing adjudicators, who are part time, preferred to take that on and thereby increase their expertise and involvement in parking appeals. Part-time tribunal members such as parking adjudicators do benefit from having a level of work-load that sustains competence and familiarity with the jurisdiction. The current adjudicators are Mr Michael Watters, Mrs Helen Blair, Mr Ian Kennedy and Mrs Petra HennigMcFatrige. The Council areas covered are Aberdeen; Dundee; Edinburgh; Glasgow; Perth and Kinross; Renfrewshire; and South Lanarkshire. The cities of Aberdeen, Edinburgh and Glasgow have resolved to de-criminalise bus lanes and

that will bring increased work for the adjudicators and the Scottish Parking Appeals Service which is based in my Office.

Traffic Regulation Conditions

I was not asked to make any during the reporting year.

Appendix

Table 13: Local bus service registrations – live, new, variations and cancelled local bus services as at 31 March 2012 (31 March 2011)

| | Live local bus registrations | Applications processed | | Applications accepted | | Refused | Withdrawn | Existing registrations cancelled |
|---|------------------------------|-------------------------|--------------------------|-------------------------|--------------------------|------------------|---------------------|----------------------------------|
| | | New | Variations | New | Variations | | | |
| Eastern Traffic Area | 2,834 (2924) | 501 (553) | 1,280 (1396) | 493 (541) | 1,269 (1386) | 0 (0) | 19 (22) | 426 (500) |
| North Eastern Traffic Area | 3,865 (3936) | 695 (893) | 1,814 (1900) | 692 (880) | 1,810 (1890) | 0 (0) | 7 (23) | 538 (793) |
| North Western Traffic Area | 4,144 (4256) | 952 (697) | 1,671 (1616) | 950 (681) | 1,669 (1610) | 0 (0) | 4 (22) | 691 (563) |
| South Eastern and Metropolitan Traffic Area | 1,238 (1289) | 178 (143) | 686 (599) | 178 (140) | 683 (589) | 0 (0) | 3 (13) | 182 (145) |
| West Midland Traffic Area | 2,111 (2221) | 422 (258) | 1,015 (989) | 412 (253) | 1,008 (978) | 0 (0) | 14 (16) | 459 (269) |
| Western Traffic Area | 2,721 (2768) | 634 (400) | 1,599 (1338) | 633 (380) | 1,599 (1330) | 0 (0) | 1 (28) | 540 (414) |
| Scotland | 2,636 (2655) | 725 (400) | 1,675 (1548) | 718 (396) | 1,673 (1539) | 0 (0) | 9 (13) | 542 (413) |
| Wales | 1,741 (1866) | 290 (181) | 624 (604) | 284 (163) | 621 (566) | 0 (0) | 9 (36) | 313 (190) |
| Total | 21,290 (21915) | 4,397 (3525) | 10,364 (9990) | 4,360 (3434) | 10,332 (9906) | 0 (0) | 66 (173) | 3,691 (3287) |