

# Consultation on changes to bus registration in Scotland



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Stirling Council

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Brown

Forename

David

### 2. Postal Address

Stirling & Clackmannanshire Councils Public Transport Unit

Bus Station

Goosecroft Road

STIRLING

Postcode FK8 1PF

Phone 01786 237505

Email brownd@stirling.gov.uk

### 3. Permissions - I am responding as...

<b>Individual</b> <input type="checkbox"/>	/	<b>Group/Organisation</b> <input checked="" type="checkbox"/>
<i>Please tick as appropriate</i>		

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**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Transport Scotland web site)?

*Please tick as appropriate*  Yes  No

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

*or*

Yes, make my response available, but not my name and address

*or*

Yes, make my response and name available, but not my address

**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Transport Scotland web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Transport Scotland to contact you again in relation to this consultation exercise?

*Please tick as appropriate*  Yes  No

## **CONSULTATION QUESTIONS**

**Question 1: do you agree with the proposal to extend the pre-registration notice period from 14 days to 28 days ?**

Yes  No

We would expect this extension to be tied in with the replacement of notification by consultation. We would also like to see clear guidance in the following areas:

1. Full draft registration documents to be provided on day 1 of consultation period - not merely a general statement of overview of proposals.
2. Local authorities to be able to consult elected members and other community representatives, such as community councils and community development trusts during the 28-day period. That is, no right of commercial confidentiality to be conferred on operators.

**Question 2: Do you agree with the proposal to replace the duty to inform the relevant authorities before making an application for registration with a duty to consult with the relevant authorities?**

Yes  No

We would wish operators to be encouraged, by means of guidelines or codes of practice, to consult with transport authorities even earlier than 28 days in advance of making changes, particularly in the case of wholesale network reviews or service changes that will impact on supported services operating under transport authority contracts. We would also expect the guidelines or codes of practice to state that:

- until the official 28 days' pre-registration notice is given, transport authorities must conform with the operator's wishes in relation to commercial confidentiality;
- within the 28 day consultation period, the transport authority may consult with elected members and other community representatives, such as community councils and community development trusts.

**Question 3: Do you agree that relevant authorities should be encouraged through guidance to draw potential concerns about new registrations to the attention of the traffic Commissioner for Scotland and/or Transport Scotland?**

Yes  No

This is a welcome opportunity to highlight safety, congestion or competition concerns. In addition, in the event of widespread network changes, where a considerable number of registered services would change at the same time, transport authorities should be able to bring to the Traffic Commissioner's attention concerns about whether there is adequate time to produce comprehensive publicity to inform the general public. This would be invoked on only very few occasions, but would be a useful safeguard for the passenger.

**Question 4a: Do you agree with the proposal to reduce the period of registration from 56 days to 42 days? What difficulties (if any) do you consider such a change might present and how might these be addressed?**

Yes  No

Given the replacement of 14-day notification with 28-day consultation, this would not be a concern for us, except in the event of a wholesale network change where a considerable number of registered services would change at the same time. This contingency would be met by the ability to raise concerns with the Traffic Commissioner, as outlined in the response to Question 3, above.

**Question 4b: An alternative option would be to reduce the registration period from 56 days to 42 days only where Electronic Bus Service Registration (EBSR) is used. Do you agree with this?**

Yes  No

Notwithstanding our response to Question 4a, above, this does present an opportunity to incentivise the move to EBSR, which has been slower than we had expected. EBSR does reduce the overall time required to produce publicity. However, there is a concern that, for non-EBSR registrations, the overall period of notification/consultation plus registration would increase from 70 to 84 days.

**Question 5: Do you agree that we should require operators to detail within registered hourly frequency bands any services that are registered as frequent services?**

Yes  No

This is not likely to be a major issue in our area, but we can see a potential disadvantage if an operator chooses to register a 'frequent' park & ride or shuttle service for a city centre, shopping centre or special event such as Commonwealth Games/Ryder Cup etc. At present, registering a 'frequent service' permits operation on a 'fill up and go' basis, which can be useful for operations of this kind. We would want to avoid a situation where a park & ride bus is sitting, fully laden, waiting to depart, but the passengers on the bus, and perhaps also on the stance having been unable to board because the bus is full, are being told that the bus cannot leave for another three minutes because that is when it is registered to depart. We cannot see a major competitive issue in any case as, if a frequent service is in operation – meaning at least every 10 minutes – is there likely to be enough potential business to enable a competitor to operate profitably?

**Question 6: Do you agree that if the proposed changes set out above are adopted, they will improve the bus registration process in Scotland?**

Yes  No

We believe that they will enhance flexibility and the ability to respond appropriately to individual circumstances. However, we also believe that, to achieve this fully, the confidentiality aspect must be clearly defined. The ability for transport authorities to consult with elected members and community representatives during the 28 day consultation period, and before this if the operator's consent is given, will enhance local democracy and help to support community empowerment.

**Question 7: It is possible that much of what is proposed above could be achieved through Guidance and/or a Code of Conduct to facilitate engagement between operators and relevant authorities rather than changes to the legislation. Do you have any views on this?**

Yes  No

Our view is that Guidance or a Code of Conduct is not strong enough to achieve the desired change. However, we believe that there is a role for Guidance or a Code of Conduct in supporting legislative change, for example in relation to how consultation is conducted and to commercial confidentiality.