

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

West Dunbartonshire Council

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Jack

Forename

McAulay

2. Postal Address

Council Offices

Garshake Road

Dumbarton

Postcode G82 3PU

3. Permissions - I am responding as...

Individual / Group/Organisation

Please tick as appropriate

(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

West Dunbartonshire Council endorses the approach taken by SPT in the approved Ten Point Plan for Bus on which a number of the proposals in this consultation are based. The response below reflects SPT's approach.

West Dunbartonshire Council supports both these proposals and, as they are interrelated, is making a joint response to Q's 1 and 2.

We feel that there would be benefit in a more comprehensive, meaningful, outcome-orientated formal consultation period between the PTA and operator, ultimately benefitting the passenger through a more effective bus network.

This new, statutory two-way dialogue in the period before a registration is submitted – the 'first 14 days' of the 28 proposed - will enable the Public Transport Authority (PTA) to advise the operator of the likely result of the proposed service changes, the response (if any) of the PTA and, as at present, any technical faults within the document.

Furthermore, we believe that these proposals would also mean that the operator's knowledge of the response of the PTA may influence their final proposals, thereby avoiding the requirement to tender services, the submission of successive registration documents, and excessive disruption to the passenger.

Below we offer an example of how the 'first 14 days' could be utilised:

1. On Day 1, operator provides PTA with pre-specified information (contents of this information to be confirmed) regarding their new, varied or withdrawn service.
2. PTA then assess the implications of the registration –
 - i. Is it complementary/not complementary to RTS/current network.
 - i. Will a supported socially necessary service be required (after assessment against PTA's Guideline Criteria).
 - iii. Does the PTA have concerns about registrability, unsafe or uncompetitive practices, concerns that service may not be operated as registered, or operator has failed to consult properly.
3. Operator and PTA enter dialogue to address any issues arising from the above. Options include the use of 'De Minimis' – Patronage / concession reimbursement / fares / revenue / profit or loss information may be requested by PTA and supplied by operator at their discretion on a public or confidential basis.

Regarding the detail of these proposals, we would offer the following comments:

'Relevant authorities' should be clearly defined as 'Public Transport Authorities' which in some cases may refer to the Regional Transport Partnership – as is the

case with SPT – or the local council.

The exchange and extent of information provided between operator and PTA in the ‘new 14 days’ must be clearly defined and scoped prior to discussions taking place.

The term ‘to consult’ should be clearly defined as meaning ‘to discuss, take into account and action agreements made between both parties’.

Overall, this proposal will ensure that a more co-ordinated approach to public and private sector network planning and development is in place, which will be to the benefit of passengers and communities.

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

As Q1

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

If the ‘new 14 days’ noted above has not taken place effectively for whatever reason, then the provisions of this proposal should take effect within the latter 14 days of the 28 days proposed (the ‘second 14 days’).

Below we offer our views on the potential scope of what ‘concerns’ could be highlighted to the TC and/or TS in the ‘second 14 days’:

1. If the PTA believes and can evidence the registration is not complementary to the Regional / Local Transport Strategy / current network / has no public benefit.
2. If a supported socially necessary service is required (after assessment against PTA’s Guideline Criteria).
3. If the PTA has concerns about registrability, unsafe or uncompetitive practices, concerns that service may not be operated as registered, network coverage, road network capacity, compliance issues, improper conduct, service deliverability, capacity concerns, and / or operator has failed to consult properly.

We believe that this proposal would:

- Ensure compliance with the revised registration process.
- Ensure appropriate and meaningful consultation with the relevant authorities is

undertaken.

- Allow PTAs to highlight health and safety concerns through the registration process.
- Allows PTAs to raise bus stop and layover capacity concerns through the registration process.
- Provides a check that services are genuine, and not tours, prior to registration and the receipt of related public subsidies including BSOG, Concessions etc.
- Minimise use of short notice registrations.

We would emphasise that this proposal should relate to all registrations (new, varied, withdrawn, short notice services), not just 'new' registrations.

Overall, this proposal would ensure that the PTA has legitimate recourse to highlight concerns about registrations that are, in essence, not in the public interest to support (and therefore potentially subsidise from whatever source), and ultimately ensure a more comprehensive and effective bus network for people and communities across Scotland.

In addition, [Insert Local Authority] consider that more power should be available to the Traffic Commissioner in considering registrations i.e. the TC has powers to reject a registration where legitimate concerns are highlighted and evidenced by the PTA as outlined above.

For example, in the new 42 day period (see Q4b below), [Insert Local Authority] believes the following process could take place if the PTA has highlighted reasonable legitimate concerns about a registration:

TC contacts PTA for further information if PTA has highlighted legitimate concerns. TC decides, based on the information provided by PTA, whether to:

- accept the registration.
- require further discussion / re-consultation to address issues.
- not accept the registration because TC believes that based on PTA's information, issues cannot be resolved.

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

While there would be implications for PTAs such as SPT in preparing timetable information (and the production and display of same), the allocation of stances / bus stops, and the provision of electronic information in a timely manner for dissemination through Traveline Scotland, the benefits to the traveling public and the 'public purse' of the proposal far outweigh any process-related issues which may arise therein.

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

West Dunbartonshire Council does not support this proposal.

We consider that reducing the registration period from 56 days to 42 days will have the effect of incentivising operators to move speedily to EBSR and that a reasonable but binding timescale should be built into the statutory framework.

EBSR will also have the effect of speeding up data supply to Traveline Scotland and other public transport information outlets ensuring information is as current as practicable. With mandatory electronic registration operators will be obliged to input registrations into the system and this will result in a more speedy and robust process.

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

In principle, West Dunbartonshire Council supports this proposal as it would provide an easier route to market entrance for new operators wishing to provide a service on a route with an incumbent operator and will also deter predatory behaviour. Furthermore, we agree that it is operators who are best placed to define which of their existing services are 'frequent',

However, a degree of flexibility should be built in to allow operators to react to demand. It may be worth considering how this proposal could be further refined to achieve improved gap management of services, as 'equidistant' timings between services is very much in the passenger interest.

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

West Dunbartonshire Council would highlight that, in making any changes to the registration process, the ultimate aim should always be to improve services on the ground for the travelling public and that, whatever the changes made, the 'process' for doing so should always be subservient to that.

With the exception of the proposal at Q4b above and Q7 below, West Dunbartonshire Council supports the proposals outlined. However, the success or otherwise of this opportunity to vary the registration process will be critically dependent on identifying a more flexible mechanism to procure bus services. The current tendering process is often

expensive, unwieldy, overly bureaucratic and results in unnecessary additional costs to the public purse. The proposed changes to Scottish Procurement legislation, whilst intended to stimulate opportunities for SMEs to access public sector contracts, has unintentionally made the tendering process for PTAs singularly worse. If a bespoke solution within the procurement framework is not realised for procuring bus services, it is likely that any benefit realised from implementation of these other changes will be eroded.

Development of “best value” / de minimis solutions (with appropriate limits) should be undertaken concurrently by the Bus Stakeholders Group to maximise the benefit of these proposals.

The Competition Commission’s report on the Local Bus Market in the UK recommended that the Scottish Government develop best practice guidance on tendering for supported services for use by LTAs in Scotland. The Competition Commission concluded that a key issue for inclusion in any new guidance is the interaction between tendering practice and EU procurement rules, to provide LTAs with clarity over which processes are likely to apply; how these processes may be applied to simplify, or add flexibility to bidding; and the assessment of bids to pursue best value as priority issues for any new guidance.

West Dunbartonshire Council would reiterate this need for greater clarification on procurement through revised Scottish Government guidance developed in consultation with Regional Transport Partnerships and the bus industry.

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

West Dunbartonshire Council does not support this proposal.

There must be a clear statutory underpinning to these proposals as, should they be self-governing through a Code of Conduct or achieved by guidance, there could be no certainty or guarantee that they would be delivered on the ground consistently and effectively over time. Fundamentally, public concern now and over recent years about bus services, for example, the lack of both bus services serving local communities outwith peak periods and the inconsistent, and the variable reliability of bus services, makes statutory underpinning essential.