

REPORT TO: CITY DEVELOPMENT COMMITTEE – 22 SEPTEMBER 2014

REPORT ON: RESPONSE TO TRANSPORT SCOTLAND CONSULTATION ON BUS SERVICE REGISTRATIONS

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 335-2014

1 PURPOSE OF REPORT

1.1 This report seeks the approval of the Committee to respond to the current consultation on bus service registrations being undertaken by Transport Scotland.

2 RECOMMENDATION

2.1 It is recommended that the Committee approves the response set out in Appendix 1 and authorises officers to submit it on behalf of Dundee City Council.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising as a result of this report.

4 BACKGROUND

4.1 Local bus service provision requires bus operators to register their proposed service operation with the Office of the Traffic Commissioner. Bus service registrations detail route and frequency of service. Failure to operate services as registered may result in an operator being summoned to a public inquiry and possible financial penalties.

4.2 Local bus service registrations must be submitted to the Office of the Traffic Commissioner 56 days in advance of their introduction, variation or cancellation. In addition to the 56 days required by the Traffic Commissioner, an additional 14 day notification period is given to local authorities by operators who plan to make changes to their service provision. This notification period is intended to allow local authorities an increased period in which they can respond to commercially driven service changes – eg service withdrawal.

4.3 The key element of the current consultation, which closes on 24 October 2014, is to seek views on proposals to extend the pre-registration notice period.

5 POLICY IMPLICATIONS

5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6 CONSULTATIONS

6.1 The Chief Executive, the Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

7.1 None.

Mike Galloway
Director of City Development

Neil Gellatly
Head of Transportation

NHG/JB/KM

12 September 2014

Dundee City Council
Dundee House
Dundee

APPENDIX 1

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

Dundee City Council

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

Surname

Berry

Forename

John

2. Postal Address

City Development Department

Dundee House

50 North Lindsay Street

Dundee

Postcode DD1 1LS

Phone 01382 433537

Email

john.berry@dundeecity.gov.uk

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

An extension to the pre-registration notice period is likely to be helpful but only if both parties engage in meaningful discussion. To ensure dialogue is meaningful and that both parties have the same expectation of the purpose of the dialogue, formal guidance should be set out by the Office Traffic Commissioner to guide the conduct and timeframe for the discussions.

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

The statutory obligation to consult should be accompanied by clear guidance on how the process of the consultation should be undertaken. This will set out a clear timeframe over the 28 day period, placing responsibilities on each party to respond and counter respond to the proposals being discussed. At a certain stage, in the 28 day period, the guidance must make it clear that the proposals can be shared in the public domain.

Stage 1 - Day 1 - The process should commence with a meeting between the local authority and the bus operator. The introductory meeting would give the operator an opportunity to present the changes to the local authority, explain the scope of the change and the reasons why change is being made – e.g. punctuality issues, commercial issues, service development. Where a local bus service crosses local authority boundaries, a joint meeting would be convened. Local authorities can waive right to the ‘introductory’ meeting if appropriate – e.g. cancellation of minor school bus contract.

Stage 2 - Days 2 to 10 – gives the local authority the opportunity to assess the impact of the changes, undertake passenger surveys and then, following analysis, make recommendations/ suggestions to the bus operator.

Stage 3 - Days 11 to 17 – is the period that allows the bus operator to consider feedback from the local authority and make further changes to the registration documentation. Once the operator has considered local authority recommendations and potentially revised proposals, then a further meeting between operator and local authority should be convened if requested by either party. At the end of Stage 3, proposals to change service provision will be made public.

Stage 4 - Days 18 to 21 – local authority officers have the option to share proposals (as amended) with elected members and community groups. Response should be channelled through local authority officers and provided to bus operator.

Stage 5 - Day 22 to 25 – affords a final opportunity for bus operator to consider any feedback from local member/community group consultation process that may not have been highlighted by local authority officers.

Stage 6- Day 26 to 27 – final full documentation submitted to local authority. Local authority will undertake final review of documents.

Stage 7 - Day 28 – despatch to OTC by e-mail and copied to local authority. OTC should accept registration documentation in PDF format and then make these available on website for future reference and comparison purposes.

A staged process is required but the days shown above are only indicative.

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

Local authorities should be seeking to work in on-going partnership with bus operators. Positive working relationships may be damaged if there is a perception that the local authority has briefed against the operator's desire to register specific services or journeys. The guidance should clearly set out to operators what would constitute a bona fide service and what concerns a local authority is expected to report to the OTC.

Legitimate concerns of the local authority about levels of service provision should be addressed by the bus operator during the consultation period but where these are not addressed to the satisfaction of the local authority, this should be made know to the OTC. In particular safety concerns about specific routes and over provision at key locations should be brought to the attention of the OTC with an explanation of why the local authority has concerns.

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 increasing complexity of information provision, including the updating of real time systems, Traveline Scotland, the increased number of local authorities offering 100% coverage of roadside publicity, public transport maps etc, any move to reduce the registration period would increase the likelihood of updated information being unavailable at the date of the service change. A 56 day registration period continues to be desirable. Data processing cannot begin until final registrations have been submitted to OTC (i.e. following 28 day consultation).

It is noted that there is still an option for local authorities to support short notice variations should this be deemed appropriate, but it would be helpful if the OTC issued clear guidance about when letters of support are appropriate.

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

The response to this question is a qualified Yes. We believe it is important to incentivise the migration to EBSR. EBSR, while having a number of advantages, has some known drawbacks and these issues have been highlighted in previous correspondence between the OTC and ATCO Scotland. EBSR is positive and therefore the reduction to 42 days, coupled with the 28 day pre-registration notification period is accepted as beneficial overall.

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

The option to register 'frequent service' should be removed. Passengers are generally disadvantaged by not having access to scheduled bus times. Whereas a 10 minute frequency may be perceived as 'turn up and go' for regular passengers certainty over departure times is desirable.

Generally, even when operating frequent services, bus operators need to create schedules based on fixed running times so the time of arrival at a specific bus stop is known to the bus operator.

Therefore from a route planning and scheduling perspective there is little to be gained by using the frequent service option. It could be argued the primary motivation for this type of registration is to ensure compliance with OTC monitoring.

Dundee City Council is a long time user of real time information systems and frequent services present additional issues for such systems. Journey start times are critical to the operation of many real time systems and allow real time predictions to be made. Where real time systems are in place, the bus operator would generally be expected to provide the local authority with a scheduled timetable.

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

Communication between operator and local authority and OTC is vital to ensure a smooth bus registration process. These proposed changes will only be truly effective if they are accompanied by clear and authoritative guidance issued by the OTC setting out the expected roles and responsibilities of each party.

There are a number of other ways that the registration process could be improved or simplified and a wider review of administrative processes should be undertaken in advance of the formal guidance being issued. For example, during the post-registration period (the 56 days), it is not uncommon for genuine timetabling or routeing errors to come to light. If uncorrected these may negatively impact on service provision or cause unnecessary confusion for passengers. During the first 21 days of the 56 day period, there should be an opportunity for such errors to be corrected by the bus operator without the need for a further submission of all registration documents and letters of support from the local authority.

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

A change in the legislation is required to ensure all operators and local authorities work to the same high standard. A code of conduct is likely to be too weak to achieve this objective.