

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

Perth & Kinross Council

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

Surname

Warrington

Forename

Andrew

2. Postal Address

Pullar House

35 Kinnoull Street

Perth

Perth & Kinross

Postcode PH1 5GD

Phone 01738 477 281

Email
awarrington@pkc.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

Extending the pre-registration notice period would give local transport authorities useful time to gather and analyse data, particularly where a service is to be withdrawn, to advise Councillors and to decide on any Council action required.

Operators should be obliged to give authorities, on request and in confidence, patronage data for commercial services which are to be withdrawn. Otherwise the usefulness of the extra time to assess data would be limited by an operators' level of co-operation.

It is important that operators be required to submit full 'intended' registration particulars at the outset, rather than for example just a revised timetable sheet. The 28 days notice period should not commence until the full 'intended' registration is received.

The current 14 days notification period can be very tight for a local transport authority when it receives a high number/volume of service registration documents as part of an extensive review of an operator's network. In recent years such major corridor/network revisions have become more frequent and commonplace. An extension of the notification period to 28 days would allow more rigorous consideration of registration documents when these are received 'in bulk' to the benefit of local transport authorities, operators and most importantly the travelling public.

It is also not unusual for errors in draft registrations to be identified by the local transport authority and thus the additional notice period will enable them to work with operators to hopefully eliminate errors from final registrations.

It should be noted that the full benefits of the change in notice period will not be fully realised if the overall registration period remains at 70 days.

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

Notwithstanding the fact that over the years Perth & Kinross Council has had proactive engagement with Stagecoach East Scotland and other local bus operators - through which they consult with the authority over new and revised services - on balance we do support this proposal for mandatory consultation. The effectiveness of informal consultation can be influenced by the vagaries of the personalities involved, which is not a solid platform upon which to build effective decision making.

To date many operators expect pre-registration notifications to be kept confidential within an authorities' public transport team (or equivalent). It has therefore not been possible to begin discussions with elected representatives over planned changes and the need for replacement services. If the existing notification requirement becomes a duty to consult, the confidentiality requirement would be removed.

It is important to acknowledge that the proposal encourages a collaborative approach between local transport authorities and operators, which should be welcomed. The consultation paper states that the requirement would be to consult rather than to agree. We accept that in a deregulated environment there cannot be a requirement to agree, but we believe that the associated guidance must indicate the nature and purpose of the required consultation. Clarification on the key consultees is important, and we think that consideration should be given to also engaging with Community Councils (or equivalent).

We would propose that, in the spirit of collaboration, there would be an expectation that operators would accept the views of local transport authorities where there is no significant commercial disbenefit in doing so, or where there is a clear benefit to the travelling public (for example, a minor timing change to enable a connection to be provided or maintained).

The formal guidance should also describe what level of information should be provided about the consultation activity that has been carried out, including submissions from authorities (and others) and responses from operators.

In drafting the guidance, it is important that Transport Scotland seek the best practice views of experienced practitioners (local authority and bus operator), and particularly given that the time for effective external engagement is quite limited.

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

On balance, we do not support this proposal.

There is already the opportunity for local transport authorities to raise concerns with the Scottish Traffic Commissioner if it is considered that a registration is in breach of the legislation/regulations.

To provide other comments on registrations to the Scottish Traffic Commissioner and/or Transport Scotland, such as concerns over levels of service provision or timing of services, would be of little benefit if neither recipient has the legislative power to address the concerns raised.

Such actions could also prove counterproductive and undermine partnership working arrangements between operators and local transport authorities.

What would be helpful however would be if the Scottish Traffic Commissioner (possibly in conjunction with Transport Scotland) issued updated, clear and consistent guidance to bus operators and local transport authorities on what standards must be met for registrations to be processed by the Scottish Traffic Area office. It would be helpful if guidance were to address the following topics:

- Incomplete registrations being supplied at the pre-registration stage;
- The procedure for managing significant changes being made to documentation between the pre-registration submission and the final registration;
- Clarification on how the consultation process should be carried out;
- Split registrations (where a long route is registered in sections to avoid coming under EU Drivers' Hours regulations) cause difficulties for publicity preparation. Guidance should cover this, and in particular require route descriptions and timetables for the whole service to be provided. This is particularly important for cross-boundary services where otherwise a local transport authority may receive a registration for only part of a service.
- Information on the implications for bus operators if registrations cannot be operated reliably (e.g. timetable too tight);
- Clarification on competitive registrations (e.g. a few minutes ahead of a competitor) and the scrutiny that will be made of the resultant operational arrangements;
- Guidance on route numbering, and especially where it may confuse passengers ((e.g. similar route numbers being used for overlapping but different services by competing companies).

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

As discussed above when large numbers of registration documents are received the existing 14 + 56 day statutory period can prove challenging to local transport authorities in: determining whether or not responsive action in the form of additional supported journeys/service is required; procuring these journeys/services; and, amending bus service databases which feed both the authority's passenger information systems (e.g. associated with the production of bus stop publicity displays) and the Traveline Scotland national timetable database.

Given that timetables and/or routes can be significantly amended during the 'notification period' in response to dialogue between operators and the local transport authority over the proposed service provision, coupled with the identification of errors in registration documents during this period, it is not prudent to update bus service databases until the registration has been lodged with the Traffic Commissioner for Scotland.

It is also desirable to commence timetable production and export service date to Traveline Scotland at least 21 days in advance of the service change.

A reduction in the period of the registration from 56 to 42 days would therefore reduce the time available for processing the relevant data from 35 to 21 days, 40% less time.

Perth & Kinross Council produces 924 bus stop timetable displays for 642 bus stops across the Council area on behalf of all bus operators. Any significant reduction in the time available to undertake this activity would significantly erode/undermine our ability to produce local timetable information as well as export the relevant service information to Traveline Scotland.

Where there is a clear service improvement being proposed, with clear advantages to local bus users, the local transport authority currently has the power to support an early introduction date, when the bus operator submits the registration to the Traffic Commissioner for Scotland. With this facility already in place, there is no clear reason to reduce the period of registration across the board.

Procurement processes are now lengthy and it is not usually possible to replace a withdrawn service (other than temporarily) even within the 56-day registration period, except in the case of low cost contracts. While the proposal for a 28-day consultation period significantly improves the scope for analysis and decision-making, a shortened final registration period would

put greater pressure on the replacement process and reduce the time available to set up and to publicise a replacement service.

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

Whilst Electronic Bus Service Registrations are beneficial in terms of the input of information into bus service databases, the proposal presupposes that EBSR registrations are of high data quality. Extensive local experience suggests that this is not necessarily the case.

This is particularly prevalent when services are 'split' across multiple registrations to avoid being subject to EU driving regulations which are more onerous than domestic driving regulations. EBSR files submitted by operators in this manner require as much, if not more, resource to process as traditional paper registrations.

The advantages of electronic registrations are still being somewhat undermined by the present format of EBSRs not fully matching current Scottish regulations, with the route information being particularly difficult to decipher. Hopefully these deficiencies can be addressed in updated guidance from the Traffic Commissioner for Scotland - and particularly before the wider use of EBSRs by more of Scotland's bus operators.

Having different registration periods by type of registration submission also does nothing to aid network stability and co-ordinated service delivery. Transport Scotland should be proactively looking at ways of reducing the number of times in a calendar year when local bus services change, not building in potentially extra ones.

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 proposal would benefit passengers by providing more detailed information, and it would improve the data quality for real time information systems (if provided).

People with disabilities could also benefit, by giving them a better understanding of frequent services to enable them to travel without always

relying on a carer or family member.

This proposal would enable better planning of bus stop allocations by local transport authorities where road space is limited, which should also be advantageous for waiting passengers and other road users.

Finally, as recommended by the Competition Commission, legislation should be amended to preclude the opportunity for operators to increase frequencies immediately and with no recourse to the Scottish Traffic Commissioner, in response to a new competitive service.

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

Perth & Kinross Council believes that the proposals to which we have answered 'yes' will help to foster further dialogue and partnership working between local transport authorities and operators and so will contribute to improving services - and thus benefit the travelling public .

We would caution however that nearly three decades after deregulation, there is still a widespread belief among the public that Councils control all bus services. Therefore, while a requirement to consult is to be strongly welcomed, Transport Scotland must seek to avoid giving the impression that greater control and decision-making power is being passed to local transport authorities through these proposals.

However reducing the period between lodging a registration with the Scottish Traffic Commissioner and the date of implementation from 56 to 42 days, as was formerly the case, would be a retrograde step with potentially significant detrimental implications for local transport authorities being able to respond to service changes effectively, procure replacement journeys/services in order to maintain an effective local bus network, and inform the public either directly or through Traveline Scotland.

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

To ensure a consistent approach Scotland-wide, that is enforceable, the change to the pre-registration period and the replacement of a notification requirement by a duty to consult, can only be made by regulation.

The consultation proposes guidelines to support the changes in legislation, and we fully support the publication of these. The Traffic Commissioner for Scotland issuing updated guidance to all bus operators, and other stakeholders, about the standards that must be met when submitting registrations would be particularly helpful - and timely. Such guidance should also address the outstanding deficiencies with the EBSR system, thus maximising the inherent data management benefits for all parties.