

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

Falkirk Council (please note that this is the response of officers and not of the Council).

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

Surname

Cox

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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

Falkirk Council strongly support this proposal. Increasing the notice period will give local authorities more time to analyse the impact of proposed service changes, particularly service withdrawals and where necessary make arrangements for replacement services. Additional time is crucial given local authority committee cycles and the legal requirements of tendering. A possible compromise if bus operators do not support this proposal would be to retain the 14 day notice period for the registration of new services but require a 28 day period for any change or cancellation. In order to be of any value, the increased notification period must be in conjunction with the change proposed in question 2.

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

Falkirk Council strongly support this proposal. The current 14 day period is considered to be confidential by many bus operators and often they are not prepared for any proposed service changes to be discussed outwith local authority transport teams. This arrangement is not practical – for any change where there is a negative impact on passengers, local authorities have to consider what mitigation can be put in place (which almost always requires financial support). Where additional expenditure (or redeployment of existing resources is required), local authority transport teams need to be able to discuss proposals with Elected Members and other council officers (for example colleagues in finance or education).

This proposal must be backed by a legal requirement for operators to provide (in confidence) local authorities with passenger data to allow them to fully assess the impact of any changes. In addition, operators should be required to provide a full registration at the start of the consultation period (i.e. full timetable, route description and route map). For new services, operators should also be required to indicate what size of vehicle they plan to use to deliver the service so local authorities can assess the suitability of the route.

With regard to the confidential data, it is recommended that the Scottish Government consults the Information Commissioner as to whether this is likely to be exempt under FOISA in indicate his views in guidance to local authorities.

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

Falkirk Council supports this proposal in principle, but would like to see specific guidelines drawn up regarding what would be a legitimate concern. The bus market is commercial and deregulated, therefore operators are free to change their services as they see fit – whilst a local authority would be concerned about any change that reduces the level of service, it would not be appropriate for a local authority to object to a commercial decision to withdraw an unviable service for example.

However there are a number of areas where local authorities might have legitimate concerns including:

- Any variation between the draft registration presented at the start of the consultation period and the one presented to the Traffic Commissioner that has not been fully notified to the local authority.
- Anything that is confusing for passengers (for example conflicting service numbers).
- Any change that could cause excessive congestion at bus stops or on roads.
- Any timetable that is not considered to be realistic.
- Any route that is not considered to be appropriate.
- Any change that raises health and safety 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

Falkirk Council has mixed views on this proposal. Any shortening of the current 56 day period to 42 days would allow bus operators and local authorities to react quicker to meet passenger demands, however the shorter timescale would introduce new challenges in terms of procuring replacement services, preparing timetable information, updating Traveline etc. One solution would be to have a 42 day period for positive service changes (including amendments to existing routes to improve reliability) but retention of the 56 day period for negative changes (although this could lead to some debate about what is negative – for example passengers might feel that retiming a service by 10 minutes is negative, even though the overall service level may remain unchanged).

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

Falkirk Council supports this proposal but only if the EBSR system is altered to reflect the current regulations in Scotland i.e. the provision of a full timetable, a full route description and full route maps. The information contained in the EBSR submission should be concise and accurate enough for a direct upload to Traveline and on-stop publicity databases, which would take pressure off local authority staff if the timescale was shortened. In addition, the EBSR system should be modified to deal with registrations that have been split due to the 50km rule, or operators should be obliged to supply an EBSR submission for the full route so that connecting services etc can be publicised effectively.

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

Falkirk Council does not have any services that are registered as frequent services however provision of full information at the registration stage would assist when planning bus stop allocations and preparation of on-stop publicity. It is likely that bus operators who have very high frequency services have internal duty boards etc that show the full timetable so this change should not cause unnecessary administration for them.

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

Any changes which require bus operators to provide more notice of changes and give local authorities more time to react to service reductions and withdrawals are welcome. It must however be made clear to the public that whilst a consultation period is being introduced, local authorities do not have any powers over commercial bus services or there is a danger of raising public expectations that councils will be able to prevent service changes/withdrawals.

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

Note, Falkirk have answered YES to this question because we have a view, not because we support Guidance or a Code of Conduct.

All changes resulting from this consultation must be backed by legislation, otherwise there will be little change from the current position because some operators will choose not to comply with any guidance etc. unless it is backed by law.