

# 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

The Highland Council

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

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

<p><b>Individual</b> / <b>Group/Organisation</b></p> <p><i>Please tick as appropriate</i></p> <p><b>(a)</b> Do you agree to your response being made available to the public (in Scottish Government library and/or on the Transport Scotland web site)?</p> <p><i>Please tick as appropriate</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>(b)</b> Where confidentiality is not requested, we will make your responses available to the public on the following basis</p> <p><i>Please tick ONE of the following boxes</i></p> <p>Yes, make my response, name and address all available <input type="checkbox"/></p> <p>or</p> <p>Yes, make my response available, but not my name and address <input type="checkbox"/></p> <p>or</p> <p>Yes, make my response and name available, but not my address <input type="checkbox"/></p> <p><b>(d)</b> 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?</p> <p><i>Please tick as appropriate</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><i>Please tick as appropriate</i> <input checked="" type="checkbox"/></p> <p>The name and address of your organisation <b>will be</b> made available to the public (in the Scottish Government library and/or on the Transport Scotland web site).</p> <p>Are you content for your <b>response</b> to be made available?</p> <p><i>Please tick as appropriate</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
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## **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

Highland Council supports this proposal. Particularly where a service is to be withdrawn or reduced, it would give authorities useful time to gather and analyse data, to advise Councillors and to decide on any Council action required.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 may be limited by operators' 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, and that the time period be deemed not to begin until they do so.

Our Transport Unit staff often find errors in draft registrations and are able to use the notice period to work with operators to eliminate errors from final registrations. A further benefit of the extended notice period would be to give more time for this process.

### **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

Highland Council strongly supports this proposal, which would be a valuable improvement.

While we generally enjoy reasonable co-operation with our major commercial operator, a formal provision for consultation, and 28 days to carry it out, will enhance our scope to obtain views of Ward Members and other stakeholders affected and to negotiate improvements to proposed services.

The proposal encourages a collaborative approach between authorities and operators, which we welcome. The consultation paper states that the

requirement would be to consult rather than to agree. Highland Council accepts that in a deregulated environment there cannot be a requirement to agree, but we believe that guidance will be necessary to indicate the nature and purpose of such consultation. We would propose that, in the spirit of collaboration, there would be an expectation that operators would accept the views of 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). Guidance should also describe what level of information should be provided with the final registration about the consultation which has been carried out, including submissions from authorities and responses from operators.

**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

Highland Council supports this proposal, but we believe that guidance would need to describe what types of concerns would be appropriate for such action. For example, concern arising from a purely commercial decision (to withdraw an unremunerative service) would not normally be appropriate. However, there could be an appropriate concern if an operator was to strategically withdraw parts of a service in a way that would make it difficult for any rival to win a contract for a replacement service.

Highland Council also believes that the Traffic Commissioner should be given stronger powers, including the ability to refuse a registration unless the operator can demonstrate that there has been proper consultation with bus users who could be affected. The Council should be able to raise a lack of adequate public consultation as a concern.

Other scenarios where there could be appropriate concerns include:

- Incomplete registrations being supplied at the pre-registration stage;
- Significant changes between the pre-registration and the final registration;
- A view that the consultation process had not been properly carried out;
- Failure to include in the final registration any agreement reached during consultation;
- Registrations which the Council believes cannot be operated reliably (e.g. timetable too tight);
- Closely competitive registrations (e.g. a few minutes ahead of a competitor) – we recognise that the Traffic Commissioner cannot

- prevent these, but she may wish to pay close attention to compliance with the registration;
- Concerns over health and safety or air quality.

Split registrations (where a long route is registered in sections to avoid coming under EU Drivers' Hours regulations) cause difficulties for publicity preparation. Guidance could cover these, and in particular require route descriptions and timetables for the whole service to be provided.

Normally, concerns would be put to the Traffic Commissioner as the regulatory authority, rather than to Transport Scotland, although there may be occasions when a concern would be put to Transport Scotland if there is a significant policy implication. However, we value a good working relationship with our operators, and we would not wish any encouragement to raise concerns to be so strong as to prejudice collaborative working.

**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

Highland Council takes an ambivalent view of this proposal. There would be little point in increasing the notice period if the registration period is reduced by the same amount. However, if the notice period becomes a consultation period, there would be an overall advantage even within the 70 day total. We would strongly oppose any reduction in the registration period without a corresponding increase in the notice/consultation period.

Where there is a service improvement, it may be desirable not to extend the overall registration process. We also recognise that a lengthened overall period may cause difficulties for small operators.

However, timetable information should be published in Traveline 28 days ahead of commencement, which gives a target for submission from authorities to Traveline of 38 days ahead. Publicity preparation needs to be based on the final registrations so there would be very little time to submit details to Traveline if these targets are to be met. Also where there is a major network change, it can take a significant amount of time to prepare other publicity material such as bus stop posters.

Procurement processes are now lengthy and it is not usually possible to replace a withdrawn service (other than temporarily) within the 56-day

registration period, except in the case of low-value 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

In principle, increased use of electronic registration is to be encouraged. However, the present format of EBSR does not comply with current Scottish regulations (*The Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001*). Maps do not indicate individual routes and variants and route descriptions are non-existent. Files are also large and cumbersome to use. The format does not provide full service information where split registrations are used (as it is not possible to merge split registrations into a single service, ironically increasing staff time by forcing them to manually input much of the timetable), and it creates difficulties in producing meaningful publicity for circular services. For these reasons, we do not see a benefit in this proposal in the current circumstances.

We are aware that the EBSR system is to be reviewed, and would propose that any consideration of a shortened registration period should be done as part of that review, and not before.

**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

As we have no registered frequent services, this proposal has little direct relevance to Highland Council. However, we would support it on the basis of giving better information to travellers going to the larger cities, and for potential future service improvements in our area.

**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

Anything that benefits the passenger is a worthwhile improvement. Highland Council believes that the proposals to which we have answered “Yes” will help to foster dialogue and partnership between authorities, operators and bus users and so will contribute to improving services.

We would caution that 28 years 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, the Government should seek to avoid giving the impression that greater control and decision-making power is being passed to authorities through these proposals.

These proposals should also prompt a review of permissible arrangements for awarding temporary or longer-term contracts without the need to go through a full procurement process. Circumstances where this could apply include (a) responding quickly to a commercial service withdrawal, giving time to evaluate the service and allowing for a tender process in due course, and (b) filling gaps in a predominantly commercial network.

**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

Highland Council does not support this option. Replacement of the notice period with a consultation period, and changes to the specified periods and registration particulars, can only be made by regulation.

The consultation proposes guidelines to support the changes in legislation, which we agree is appropriate. However, if the key changes proposed here are reduced to guidelines, they would be unenforceable. We are concerned that if some operators ignore guidelines on the key provisions, eventually all will ignore them.