

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

Lothian Buses Ltd

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

Surname

Campbell

Forename

William

2. Postal Address

55 Annandale Street

Edinburgh

Postcode EH7 4AZ

Phone 01315544494

Email wwcampbell@lothianbuses.co.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 x No

Yes, subject to the response to questions 2 and 4a

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 x No

We support the principle of consulting with local authorities on two conditions:

- a) In supporting consultation to be carried out in good faith on the part of both the operator and the authority, this in no way implies an obligation to reach agreement. Operators must retain full commercial freedom to act.
- b) In relation to the administrative process, the burden on the operator must go no further than to demonstrate to the Traffic Commissioner that it duly commenced consultation with the relevant local authority, the date on which that process commenced being the date which sets the clock ticking on the 28 day period. There must be no scope for the local authority to extend the 28 day period.

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 x

The Traffic Commissioner has existing powers in relation to concerns over safety or severe traffic congestion. It is open to local authorities to draw the Commissioner's attention to such concerns. It is imperative that no new scope is introduced to raise matters impinging on operators' commercial freedom.

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 x No

This is a qualified yes: so many parts of the practical production process for making network changes are now heavily integrated, not least in relation to passenger information, that operators require a certain amount of time to carry these out. 42 days is the minimum practical period for these purposes. These processes cannot be started until the operator

has certainty that a registration has been accepted by the Traffic Commissioner. In the case of a major network change, most of the process cannot start until the operator knows that all registrations involved in that package have been accepted. If the registration period is to be shortened, it is imperative that there is an obligation on the Traffic Commissioner to ensure that acceptance of registration is confirmed to the operator no more than, say, 7 days after submission. It might make more practical sense in that case for the consultation period (see question 1) to be 21 days, and the registration period 49 days.

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

It is imperative that all operators compete on a level playing field. It cannot be equitable that an operator which can afford or chooses to use one particular bureaucratic process gains a commercial advantage over one which can't or chooses not to. This would particularly disadvantage small operators (although not exclusively so)

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 consultation paper draws attention to one arguably undesirable way in which the present system can be used (flexibility to respond to competition in a manner argued to be unfair) but it ignores compelling consumer benefits which also arise from this flexibility (for example, the ability to flex frequency in response to varying levels of demand, such as at the start of university terms, when demand can peak, only to fall back after a short period). In relation to competitive abuse, there already are powers under competition legislation to address such matters. These are the powers that should be used for that purpose. There are no grounds for removing the benefits to bus users which the current flexibility provides in relation to frequent registrations to address problems for which adequate alternative mechanisms already exist elsewhere.

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

We agree, if the proposals are modified in line with our comments but not if they are unmodified.

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

We would be happy to engage in constructing guidance and/or a code of conduct