

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

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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

ATCO strongly supports this proposal. Particularly where a service is to be withdrawn or reduced, it would give authorities useful time to gather and analyse data, and to plan and prepare for any Council action required.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be obliged to give authorities, on request and in confidence, patronage data for commercial services which are to be withdrawn.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 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.

Authorities' transport 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. Although it is not the role of local authorities to check operators' data, a further benefit of the extended notice period would be to give more time for this process should authorities choose to do this.

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

ATCO also strongly supports this proposal.

A key issue for most authorities is that many operators expect pre-registration notifications to be kept confidential within the authorities' transport teams. It is therefore not possible to begin discussions with Councillors, community councils, vulnerable groups and general bus users over planned changes and the need for replacement services. If the notice period becomes a consultation period, any confidentiality requirement would be removed. The question states, "...consult with the relevant authorities..." but it is essential that consultation with all relevant stakeholders is permitted as part of this change. (It is possible that stakeholders may expect a more detailed consultation than is possible within the 28 days, but this should not

prevent authorities from discussing the changes with them as they see fit within the time constraints.)

The proposal encourages a collaborative approach between authorities and operators, which ATCO welcomes. The consultation paper states that the requirement would be to consult rather than to agree. ATCO 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 carried out, including submissions from authorities and responses from operators.

ATCO would be pleased to be involved with other stakeholders in drafting such guidance.

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

ATCO 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.

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 authority 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;
- Confusion of passengers (e.g. similar route numbers being used for overlapping but different services by competing companies).

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. This is particularly important for cross-boundary services where otherwise an authority may receive a registration for only part of a service.

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. We feel, however, that authorities' working relationships with operators are important, 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

ATCO has mixed views on this proposal.

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 displays.

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-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.

If the 14-day notification period was to remain unchanged, ATCO are agreed that we would be strongly opposed to any shortening of the registration period.

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

This proposal would benefit passengers by providing more detailed information, and it would improve real time information provision. People with disabilities could benefit in particular, by being given a better understanding of frequent services to enable them to self-travel without always relying on a carer or family member.

This proposal would also enable better planning of bus stop allocations where road space is limited, improving safety of waiting passengers and other road users.

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. ATCO 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 however 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 must 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. ATCO would be happy to participate in such a review.

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

ATCO 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 only to guidelines, they would be unenforceable. We are

concerned that if some operators ignore guidelines on the key provisions, eventually all will ignore them.