

# 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

Scottish Association for Public Transport

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

Surname

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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

Comments

**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

SAPT supports these proposals for minor changes (a definition of what constitutes a “minor change” is needed), but we recommend a separate procedure for major changes in order to facilitate discussion of quality partnerships or alternative proposals for variations in the ‘commercial’ and ‘social’ services.

Draft proposals for major changes should be made on no more than four times per year, on pre-defined days, with a view to implementation or variation at the end of 12 weeks. Finalised proposals, following consultation, should be submitted after the initial 6 weeks and introduced at 12 weeks without further variation unless, in the case of new registrations, Transport Scotland accepted a Local Transport Authority view that there was significant conflict with the relevant Local Transport Strategy (subject to an appeal to the Traffic Commissioner)

This change would encourage more widespread introduction of quality partnerships or contracts introducing greater synergy between commercial objectives, wider economic and social considerations, and efficiency.

**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

But this proposal is too weak to ensure desired progress – the reference to EITHER the Traffic Commissioner AND/OR Transport Scotland blurs responsibility. In relation to major applications (including extensive de-registration), Local Transport Authorities should be able to use their own Local Transport Strategies and additional evidence to argue, where felt justified, that it would not be appropriate to grant either new registrations or deregistration without further consideration and consultation. Transport Scotland should have an explicit role to give a decision, subject to a right of appeal to the Traffic Commissioner. In the case of minor applications, the extended 28 day period for notice gives greater time to consider alternative variants in ‘social’ and ‘commercial’ services to minimise hardship.

Where two or more related minor applications are made in quick succession, these should

trigger a decision that the second or third application becomes subject to 'major application' procedures

**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

SAPT supports this proposal for minor applications but not for major applications. 'Quick' procedures should continue to apply for emergency changes in existing routes.

**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

Comments

**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

Comments The SAPT view is that 'regular interval timings' between services are very much in the passenger interest. We propose that for routes offering 6 or more buses per hour, an additional operator should only be allowed to introduce new services if these are scheduled to run at least 5 minutes following an existing service, with a preference for regular interval timing between services if possible.

**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

Comments

**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

Comments But new legislation may be required if Guidance and revised Codes of Conduct do not achieve objectives.

The changes as proposed would produce a minor improvement in the stability of bus services.

SAPT has particular concerns that:-

- In city regions, more emphasis should be put on the benefits of development of more co-ordinated **metropolitan transport networks**, as found in many continental cities (and also in London).
- In rural areas, **better co-ordination** of bus, rail and ferry services and ticketing is needed to improve accessibility by public transport (and linkages with walking and cycling) and to achieve the best value from rural bus subsidies and from the government's substantial funding of the ScotRail franchise and ferry support. Note that one of the objectives set by Transport Scotland for rail companies bidding for the new ScotRail 2015 franchise was:  
*"Bidders will be required to achieve a minimum specification of transport integration with other modes and play a key role in securing further integration over the term."*

It is noted that the Scottish Government's policy for bus services is for a *"regulated competitive market, which combines market forces and commercial expertise with public intervention in the form of financial support"* (paragraph 2 of the consultation document).

The Competition Commission (now Competition and Markets Authority) focuses on analysing the level of competition in the bus market. But for many rural parts of Scotland, competition between operators is illusory. And in busy town and city roads, on-street competition between bus operators can increase duplication, congestion and pollution. Furthermore, connections between services, and co-ordinated timetables, can be regarded by the Competition Authority as "anti-competitive"!

The objective of transport policy should be a comprehensive, affordable, high quality co-ordinated public transport network (including ferries and trains as well as buses), provided efficiently through the commercial expertise of transport operators, with public financial support where necessary.

SAPT considers that further priority studies may confirm that more substantial changes to the Scottish bus framework may be needed to enable these objectives to be achieved. Changes in the structure of Scottish Government transport budgets could offer considerable help to Local Transport Authorities in facilitating desirable change in local transport giving a better fit with the economic and social needs of areas with very different characteristics.

The main changes we recommend for consideration are:-

- adoption in Scotland (as recommended in the Competition Commission Report on the Local Bus Market) of best practice tendering for supported bus services. Changes in procurement guidance offer good prospects for gains in overall efficiency and less user dissatisfaction
- consideration of adopting in Scotland some of the parts of ~~the UK Transport Act 2000~~ and Local Transport Act 2008 which currently apply to *England* (*Arthur has said that the 2000 Acts in England and Scotland were very similar with the main potential for improvement being adoption in Scotland of part of the 2008 Act*)
- transfer by the Scottish Government of funding and decisions on Bus Service Operator Grant and on local rail/ferry development grants to Local Transport Authorities subject to such funding being no lower than it has been in recent years. This would encourage Local Transport Authorities to develop their own schemes for corridor development (related to Bus Quality Partnerships or Contracts)

- increased responsibilities for Local Transport Authorities to develop shared transport planning with conventional transport operators and with NHS, school and community travel – including an enlarged role in relation to parking policies, traffic management, traffic calming and land use planning
- amendment to the bus concession scheme to provide free local travel by bus, tram and rail (with some peak exceptions for rail) for the disabled and those over state pension age. Consideration should be given to withdrawing concessionary travel for long distance and intercity bus journeys as there is no social justification for using scarce public funds to subsidise leisure journeys on profitable coach services, while at the same time undermining revenue on the subsidised rail network

We would welcome an opportunity to discuss these issues further as part of the promised ongoing study of further aspects of the bus market and local travel.