

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

Association of Local Bus Managers (ALBUM)

Title **Dr** *Please tick as appropriate*

Surname

Higginson

Forename

Martin

2. Postal Address

Transport Research & Consultancy?

5 The Avenue

Clifton

York

Postcode YO30 6AS

Phone 01904 636 704

Email MHRC@waitrose.com

3. Permissions - I am responding as...

I / 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

(b) Where confidentiality is not requested, we will make your response 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

or

(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

(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

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

In principle, yes, subject to our responses to Questions 2 and 4a. We accept that there are benefits in extending this notice period, however, this should not allow the overall 70 day period to increase. In short, if extending the notice period from 14 to 28 days, the registration period would need to be reduced to 42 days.

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

No. We support the principle of consultation in good faith with local authorities, but local authorities must not be put in the position of enabling them to force operators to change proposals, which would be contrary to one of the fundamental principles of local bus deregulation. There must be no obligation to accept a local authority's position; operators must retain the full commercial freedom to act. There must be no scope for authorities to extend the 28 day period.

Our members tell us that consultation already takes place and that the lack of willingness to discuss is not on the part of the bus operator. We believe that this is in response to problems with an individual or very small number of operators. The whole industry should not be penalised with over regulation due to the conduct of a few. In addition, regardless of how meaningful and proactive the consultation is, the final decision on exactly what the registration contains must remain with the operator.

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

No. The system works very well as it is. There are other regulatory bodies in existence that will deal with any concerns a local authority may have. The Traffic Commissioner must accept any properly completed application to register or amend a service. The right of a local authority to call on the Traffic Commissioners to refuse a registration must be restricted to drawing the TCs' attention to matters of safety or congestion, but not include matters relating to an operator's commercial freedom, which are the prerogative of operators.

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

A qualified yes. As we outline in Question 1, this would be acceptable to us. However, we would point out that in some areas, Local Authorities may struggle to process applications in a timely fashion and that there may be a risk of Traveline not receiving the required data in time. We accept that a period of 42 days is appropriate to enable matters such as the provision of information to be planned adequately, which can only be carried out after a registration has been accepted. This is perhaps the time to look at imposing a time limit on the TCs to confirm registrations to operators within, say, a maximum of 7 days of submission; and of creating a better method of making a registration than the current manual method or expensive electronic method (EBSR) which is beyond the reach of smaller operators.

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

No. As indicated in our response to Question 1, we agree with the proposed reduction of the registration period from 56 to 42 days (i.e. a transfer of part of part of the notice period from 'registration' to 'pre registration'), but this must not be taken as an opportunity to increase the overall 70-day notice period. We agree that electronic registrations should be used, but the current EBSR system is cumbersome, expensive and beyond the reach of the majority of bus operators.

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

No. This would take away the very flexibility that the system is there to provide and it would be a retrograde step. We cannot see any reason why this is a step in the right direction or what purpose the suggested change would serve. There are strong benefits in being able to adjust services at short notice in response to varying levels of demand, such as at the start of college and university terms, when travel patterns cannot be forecast in detail.

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

No; we only support the proposed changes if they are modified as outlined in this response. The bus registration process works well in Scotland. The process is already 14 days longer than many areas of the UK and this does bring benefits. Introduction of many of these suggestions would introduce cost, complexity and reduce the very flexibility that delivers a first class bus service to members of the public.

One of the key benefits of the deregulated market is the stimulus it gives to bus operators to be innovative. Proposals that would reduce the degree of commercial flexibility, for example by extending periods of notice, would put at risk the fundamental benefits the legislation is intended to achieve.

What we are seeing here, is a number of proposals which, in effect, are solutions. We cannot see what they would solve however. The situation over the majority of Scotland does not have any issues that need these solutions so perhaps a more local and more tailored range of solutions are what is needed.

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 pleased to engage in discussions on constructing guidance, but are concerned lest a code of conduct became too tight a strait-jacket. As stated in our reply to question 6, it is probable that it is local solutions that are required. These are things that are best kept focussed to where the problems are and are best worked through partnership rather than blanket restrictions that will bring an overall worse situation for the travelling public, instead of better.