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Bus Services in Scotland - Improving the Framework for Delivery

Analysis of Responses to the Consultation

March 2018

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EXECUTIVE SUMMARY

Responses to the consultation were, in the main, supportive of Transport Scotland's proposals for improving the framework for delivering bus services. Open data in particular received strong support with organisations supporting this unanimously. The majority of concerns and suggestions focused on the details of how these proposals may be implemented. For example, while most respondents supported replacing the current statutory Quality Partnerships, there was not a consensus on whether Service Improvement Partnerships provided a sufficient improvement. Partnership working legislation, local franchising and transport authority-led bus services received majority support, except from transport operators on the grounds of distorting competition. Operators were more supportive of the proposals for arm's length bus companies than for direct running. In terms of impacts, respondents often stated that the proposals' potential impacts on Scotland's people, environment and economy would be dependent on the proposals' ability to improve bus services.

Partnerships

The majority of respondents felt that legislation is required to secure the benefits of partnership working. Some respondents highlighted the potential benefits of legislation including improved compliance with service standards and increased stability of service for bus users. Respondents also frequently criticised the current partnership system and gave this as a rationale for legislation. Some respondents were more cautious, arguing that voluntary arrangements should be used wherever possible with legislation as a last resort.

The majority of respondents felt that statutory Quality Partnerships (QPs), as defined in the Transport (Scotland) Act 2001, do not provide the right framework for partnership working. Most respondents also agreed that if a new form of statutory QP was introduced, the existing statutory QP should be replaced. Respondents frequently criticised the QPs lack of take-up along with their perceived inflexibility to facilitate partnership working. Some respondents also commented that if a new system is introduced, replacing QPs would be beneficial in order to prevent duplication of effort.

While a small majority of respondents agreed with Transport Scotland's proposals for Service Improvement Partnerships (SIPs), a significant minority disagreed with them. One frequently made comment was that they do not provide for sufficient consultation with users or communities. Operators felt that it was unfair that operators *must* comply with standards but that the authority did not have to commit to measures or facilities. Several Local Authorities (LAs) and Regional Transport Partnerships (RTPs) said that they felt operators had too many opportunities to "veto" the partnership. However, many respondents highlighted the potential benefits of SIPs, including increased flexibility for partnership working and improved bus services. Some respondents were hesitantly supportive, arguing that their implementation will be key to their success.

Local Franchising

The majority of respondents thought that transport authorities should have the power to franchise bus services, either via a Quality Contract or another system. Most respondents also agreed that the existing Quality Contracts require change to make franchising a more viable option. Some respondents commented that local authorities, with their regional knowledge, would be well-placed to grant franchises. In contrast, some respondents argued that local franchising encourages monopolies.

Respondents were split on whether there should be any consent mechanism for an authority to begin the process of assessment for franchising. Some respondents expressed the concern that a consent mechanism would encourage undue central government interference in local service provision.

The majority of respondents thought that there should be a requirement for independent audit of the business case for franchising and an approval process beyond that of the transport authority itself, before franchising can take place. Respondents often commented that these proposals would improve accountability and ensure that bus service standards would improve.

Transport Authority Run Bus Services

The majority of respondents thought that transport authorities should be able to run local bus services, either directly or as arm's length bus companies. Respondents often highlighted potential benefits of these models including democratic accountability, their potential to reinvest in local services and their ability to break up monopolies. Respondents also refer to Lothian Buses as a successful example of an arm's length bus company.

Some respondents provided caveats for their support of transport authority run bus services. These included having such services available as a back-up option but not as an essential part of the process. A smaller number of responses were critical of the proposals. These criticisms included the risk of interfering in the market and having too much of a local focus.

The consultation asked respondents under which circumstances it would be appropriate to implement transport authority run bus services. Respondents frequently suggested routes which they consider socially important but not profitable, allowing the authorities to fill a gap left by the market. Some respondents went further to suggest full-scale nationalisation of bus services across Scotland.

Open Data

The majority of respondents agreed with Transport Scotland's proposals to require the operators of local services to release data on routes, timetables, punctuality and fares in a specified format. Most respondents also agreed that data provided by operators should be stored in a central data hub. Relating to both the general concept of open data and a central hub, respondents often commented that these proposals would improve data consistency, accessibility of data and transparency. The majority of respondents agreed that transport authorities should have the power

to obtain information about revenue and patronage of services being deregistered, and where appropriate disclose this as part of a tendering process. Some respondents highlighted the potential benefits of this proposal including increased transparency and providing a level playing field for tenderers.

Wider impacts

The majority of respondents believed that Transport Scotland's proposals could increase or reduce the costs and burdens placed on different economic sectors. Respondents gave a range of views on this. Some respondents expressed concern about the potential burden on a variety of sectors, while others argued that this burden was necessary for the proposals' wider benefits. Most respondents thought that the proposals may have an impact on people within 'protected characteristics'. Some respondents expressed the concern that as people with protected characteristics are more likely to use bus services, it is vital that these are improved. In addition, some respondents suggested accessibility improvements to buses.

The majority of respondents thought that the proposals would have an impact upon the environment. Some respondents explained that if the proposals achieve their ambition to increase bus patronage, this would encourage modal shift and reduce Scotland's carbon footprint. The majority of respondents did not think the proposals contained within this consultation may have any additional implications on the privacy of individuals or on the safety of children and young people. Some respondents commented that an increase in bus services would allow children to travel to and from school more safely.

1. INTRODUCTION

Background

- 1.1 This report analyses and summarises responses that were received through a Scottish Government consultation on the shape of the regulatory framework for bus services in Scotland.
- 1.2 Bus services are important to the people of Scotland with around 400 million (three quarters of all public transport) journeys made by bus. However, the sector faces significant challenges with the overall number of passenger journeys decreasing and service cutbacks in some places which can leave communities without a public transport option. Transport Scotland believes that the legislative framework governing bus services requires improvement and have consulted on options to do that.
- 1.3 In the consultation document, Transport Scotland highlight that in order to secure the bus services needed to help grow the economy, meet the needs of individuals and communities and improve the environment, a collective effort is required with contributions from central and local government, commercial and not for profit providers and individuals, communities and representative organisations. Transport Scotland believes that legislation in isolation will not help to reduce congestion or help to provide cost effective public transport services in more sparsely populated or remote communities. Legislation can help drive and support the actions that are needed, and Transport Scotland believes that the current legislative framework can be improved.
- 1.4 The consultation was launched on 13th September 2017 and closed on 5th December 2017, with most responses submitted online via the Citizen Space consultation hub.
- 1.5 The consultation included 26 questions, and asked respondents to provide comments on matters including:
 - How partnerships between local transport authorities and operators could be improved;
 - How franchising by local transport authorities could be improved;
 - The potential for local transport authorities to run bus companies, either directly or through an arm's length bus company;
 - The potential to require bus operators to share information; and
 - The potential wider impacts of these proposals.

- 1.6 Respondents were also invited to provide comments on any other points they felt were relevant to the proposals but not covered by the questions posed.

Profile of respondents

- 1.7 A total of 316 responses were received to this consultation. This included 61 responses submitted by organisations, 254 responses submitted by individual members of the public, and one set of 1,725 campaign responses using standard text developed by Friends of the Earth (FoE) Scotland. In addition, 157 of the 254 individual responses comprised the standard campaign text with individuals' own comments added; these have been included in the count of individuals.
- 1.8 A profile of respondents by type is set out in Table 1 below. Group respondents have been placed into one of ten respondent types by the analysis team.

Table 1: Respondents by type

Type of respondent	Number
Groups:	
Campaign Groups	2
Local Authorities	23
Other Public Bodies	10
Political Parties & Representatives	3
RTPs	7
Third Sector	2
Trade Unions	1
Transport Industry	1
Transport Operators	10
User Groups	2
Total Groups	61
Individuals	254
Campaign	1
TOTAL	316

- 1.9 Where respondents gave permission for their response to be made public, these have been made available on Citizen Space which is accessible via the Scottish Government [website](#). All respondents were given the choice to submit anonymously and for their responses to be made anonymous in reporting.
- 1.10 Out of the 26 questions, 19 provided responses to multiple choice answer options in the first instance, with respondents then being asked to state the

reasons for their views and invited to provide comments, evidence or examples as appropriate. The remaining seven questions asked only for comments.

Analysis and reporting

- 1.11 Analysis of responses was carried out by Dialogue by Design, an external consultancy with expertise in consultation analysis. The analysis process considered both the closed and open questions. For the open questions, the focus was on the most common comments, or themes offered by respondents, although other points made less frequently were also taken into consideration. As far as possible, the analysis has tried to distinguish any notable differences or similarities between individual and organisational respondents.
- 1.12 While quantitative analysis has been carried out for the closed questions, statistical analysis was not considered appropriate for the analysis of comments to the open questions. However, in order to give an indication of the varying strengths of opinion behind different views, the following quantifiers are used:
- “A few” to refer to 15 or fewer respondents;
 - “Some” or “Several” to refer to between 16 and 78;
 - “A significant proportion” to refer to between 79 and 157 respondents; and
 - “Many” to refer to more than half of the respondents (158).

2. PARTNERSHIPS

Question 1: Do you think that legislation (either via the existing sQP model or another) is required to secure the benefits of partnership working?

2.1 The first question asked respondents whether Transport Scotland should use legislation to ensure the benefits of partnership working, either via the existing statutory Quality Partnerships (sQPs) or a different model.

Table 2: Question 1 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	19	2	21
Other Public Bodies	6		6
Political parties and representatives	1		1
RTPs	4		4
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	4	5	9
User Groups	1	1	2
Total Groups (n)	35	8	43
<i>Total Groups (%)</i>	<i>81%</i>	<i>19%</i>	<i>100%</i>
Individuals (n)	75	15	90
<i>Individuals (%)</i>	<i>83%</i>	<i>17%</i>	<i>100%</i>
TOTAL (n)	110	23	133
<i>TOTAL (%)</i>	<i>83%</i>	<i>17%</i>	<i>100%</i>

2.2 The majority of respondents (83%) expressed support for legislation to secure the benefits of partnership working. Groups and individuals responded similarly, with only a minority of individuals (17%) opposing the proposal and a similar proportion of groups (19%), predominantly transport operators.

2.3 There were 120 additional comments provided in response to question 1. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of partnership legislation

- 2.4 Some respondents highlighted the potential benefits of legislation for partnership working. This included improved coordination between operators leading to increased stability of service provision for bus users. Respondents also highlighted the legislation's potential to better enforce service quality standards. Similarly, some respondents highlighted the existing system's perceived lack of enforcement power as a rationale for requiring new legislation.

“We feel that, without stimulation and incentivisation that legislation would provide, the partners will not willingly work together, and also that there will be no uniform standard over the whole of the country.”
(Individual)

- 2.5 While supportive of the proposal, some respondents provided caveats. This included ensuring that legislation should be flexible enough to be appropriate to local and regional circumstances. A few respondents also suggested that statutory partnerships should only be created where attempts at a voluntary partnership have failed.

Concerns regarding partnership legislation

- 2.6 Some respondents expressed concerns about partnership legislation. Such concerns included potentially increased administration and decreased flexibility in working arrangements. These respondents argued that existing legislation is sufficient as long as all partners are willing and cooperative. A few respondents also stated that the decline in bus patronage would not be reversed by changing the legislation, given their view it is due to external factors such as increasing car ownership, worsening congestion and changing shopping habits.

Additional suggestions for partnership legislation

- 2.7 Respondents also made several suggestions for partnership legislation that did not relate directly to Transport Scotland's proposals. While many of these were unique to the individual respondents, some suggestions were put forward by a few respondents:

- General requests for increased regulation of bus services;
- The reintroduction of 'de minimis' legislation¹ to increase the flexibility of local authorities in Scotland to award subsidies without competition;

1

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254392/tendering-road-passenger-transport-contracts.pdf In Scotland, the specific Transport Act 1985 'de

- Increased funding to support partnerships such as the Bus Route Development Fund.

Question 2: Do you feel that statutory Quality Partnerships as defined in the Transport (Scotland) Act 2001 provide the right framework for partnership working?

2.8 The second question asked respondents whether they think that sQPs are effective in facilitating partnership working.

Table 3: Question 2 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities		21	21
Other Public Bodies	1	5	6
Political parties and representatives		1	1
RTPs		4	4
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	1	6	7
User Groups	1	1	2
Total Groups (n)	3	38	41
<i>Total Groups (%)</i>	<i>7%</i>	<i>93%</i>	<i>100%</i>
Individuals (n)	24	58	82
<i>Individuals (%)</i>	<i>29%</i>	<i>71%</i>	<i>100%</i>
TOTAL (n)	27	96	123
<i>TOTAL (%)</i>	<i>22%</i>	<i>78%</i>	<i>100%</i>

2.9 The majority of respondents (78%) stated that they do not feel sQPs provide the right framework for partnership working. A larger proportion of groups (93%), including all responding local authorities, opposed sQPs for partnership working compared to individuals (71%).

minimis' powers were abolished by Section 60 of the Local Government in Scotland Act 2003.

2.10 There were 112 additional comments provided in response to question 2. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Concerns around sQPs

2.11 Several respondents expressed concerns with the current sQPs. One frequent criticism was the low uptake of the scheme, having only been set up in one area within Scotland. As to why the uptake may be low, respondents argued that sQPs in their present form are overly bureaucratic and resource-intensive to set up easily. These respondents also commented that sQPs are too “soft touch” to effectively enforce levels of service quality to benefit bus users.

“The current sQPs are inflexible, onerous, unclear and difficult to implement, as evidenced by the very few sQPs that have been implemented.” (RTP)

Benefits of sQPs

2.12 A few respondents highlighted the perceived benefits of the current sQPs. Such comments included the benefit of having statutory status for enforcement purposes and their existing success in improving service quality in certain areas of Scotland.

2.13 A small number of respondents suggested that sQPs have not being given enough time to realise their potential and that further testing would be required to determine their success or lack thereof.

Question 3: Do you agree with our proposals for Service Improvement Partnerships as outlined in pages 32-35 of the consultation document?

2.14 The third question asked respondents whether they agreed with the proposals for Service Improvement Partnerships (SIPs). These differ from sQPs in that they would not *require* the transport authority to invest in infrastructure; rather, they could bring forward ‘measures’, for example on parking. Transport Scotland would extend the range of standards beyond that allowed in the sQP, and it would encourage the development of a genuine partnership approach through joint working from the start and then throughout the partnership.

Table 4: Question 3 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	15	6	21
Other Public Bodies	3	3	6
Political parties and representatives		1	1
RTPs	2	2	4
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	3	2	5
User Groups	2		2
Total Groups (n)	25	14	39
<i>Total Groups (%)</i>	<i>64%</i>	<i>36%</i>	<i>100%</i>
Individuals (n)	44	39	83
<i>Individuals (%)</i>	<i>53%</i>	<i>47%</i>	<i>100%</i>
TOTAL (n)	69	53	122
<i>TOTAL (%)</i>	<i>57%</i>	<i>43%</i>	<i>100%</i>

2.15 The majority of respondents (57%) expressed support for Transport Scotland’s proposals for SIPs. Groups were slightly more supportive (64%) of the proposals than individuals (53%).

2.16 There were 117 additional comments provided in response to question 3. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in

responses that did not follow the consultation questions structure are also covered in this section.

Benefits of SIPs

- 2.17 Some respondents highlighted the potential benefits of SIPs for improving bus services. There were frequent comparisons to the existing sQPs with respondents arguing that SIPs are both more flexible and less bureaucratic to initiate. These respondents also commended the SIPs potential for increased control in terms of setting service frequencies and maximum fares. A few respondents also discussed SIPs' potential for giving users more opportunities for input and scrutiny of service quality.
- 2.18 Several respondents expressed support for SIPs but with caveats. These comments often focused on perceived imbalances in the partnership arrangement. While some thought that too many obligations could be imposed on operators, others believed that requiring 'sufficient support from operators' could give operators undue veto powers. A few respondents were sceptical that SIPs, while appearing to be an improvement, may be as onerous as they believe the current sQPs to be.

"We agree in principle; however we need to be careful we are simply not replacing one bureaucratic process with another." (Transport operator)

Concerns around SIPs

- 2.19 Some respondents criticised the potential effectiveness of SIPs, most often the proposed voting mechanism and consultation process. They argued that this could: add administrative burden; without the necessary obligations lead to a box-ticking exercise rather than meaningful consultation; or, that they could give operators undue veto powers (see 2.18 above). A few respondents also commented that operators may view the partnerships as too restrictive and subsequently reduce the possibility of uptake. These restrictions included the perceived imbalance of placing requirements on operators but not authorities. Another related concern was that SIPs could be anti-competitive due to authorities being able to set service frequencies and maximum fares.
- 2.20 A few respondents requested clarification on how SIPs would be enforced and what their legal standing would be.

Additional suggestions for SIPs

- 2.21 Several respondents made suggestions for how SIPs could operate more effectively. One of the most frequent suggestions was to move the emphasis away from 'meeting local needs' and bus services alone towards integrated

transport across modes and factoring in longer distance journeys. Another common suggestion was to increase the level of public consultation, either extending the period of consultation or creating a multi-stage process.

Question 4: If a new form of statutory Partnership is introduced, do you agree that statutory Quality Partnerships as defined in the Transport (Scotland) Act 2001 should be replaced (i.e. they would no longer be available as a tool for LTAs)?

2.22 The fourth question asked respondents if the current sQP should be replaced with a new form of statutory partnership.

Table 5: Question 4 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	20	1	21
Other Public Bodies	7		7
Political parties and representatives	1		1
RTPs	5		5
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	5	1	6
User Groups	1		1
Total Groups (n)	39	2	41
<i>Total Groups (%)</i>	<i>95%</i>	<i>5%</i>	<i>100%</i>
Individuals (n)	57	20	77
<i>Individuals (%)</i>	<i>74%</i>	<i>26%</i>	<i>100%</i>
TOTAL (n)	96	22	118
<i>TOTAL (%)</i>	<i>81%</i>	<i>19%</i>	<i>100%</i>

2.23 The majority of respondents (81%) expressed support for replacing the current sQP scheme. Groups, predominantly local authorities, were more supportive (95%) of this proposal than individuals (74%).

2.24 There were 105 additional comments provided in response to question 4. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Replace existing sQPs

2.25 Some respondents commented that the existing sQPs should be replaced, for the same reasons as above (2.11) and also to prevent a potential excess of bureaucracy or duplication of effort.

“In order to avoid having an overly bureaucratic system, existing legislation should be over-ridden.” (Individual)

Retain existing sQPs

2.26 A few respondents suggested that the existing sQPs should be retained, either until it can be ascertained how successful they are, or until the end of their term in order to avoid unnecessary disruption for users, transport authorities and bus operators.

3. LOCAL FRANCHISING

Question 5: Do you think that transport authorities should have the power to franchise bus services (either via Quality Contract or another system)?

3.1 Question 5 asked respondents whether transport authorities should have the power to franchise bus services through a Quality Contract or other system.

Table 6: Question 5 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	19		19
Other Public Bodies	6		6
Political parties and representatives	1		1
RTPs	5		5
Third Sector	1		1
Trade Unions			
Transport Industry			
Transport Operators	3	5	8
User Groups	1	1	2
Total Groups (n)	36	6	42
<i>Total Groups (%)</i>	<i>86%</i>	<i>14%</i>	<i>100%</i>
Individuals (n)	64	25	89
<i>Individuals (%)</i>	<i>72%</i>	<i>28%</i>	<i>100%</i>
TOTAL (n)	100	31	131
<i>TOTAL (%)</i>	<i>76%</i>	<i>24%</i>	<i>100%</i>

3.2 The majority of respondents (76%) expressed support for transport authorities having the power to franchise bus services. Groups were slightly more supportive (86%) of this proposal than individuals (72%). While the majority of those supporting this proposal were local authorities, most of those opposing were transport operators.

3.3 There were 117 additional comments provided in response to question 5. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of local franchising

- 3.4 Some respondents highlighted the potential benefits of local franchising, often focusing on how it could give transport authorities better control to offer the bus services that users need. This includes facilitating a network-wide and integrated approach to buses, and public transport in general, rather than on a route-by-route basis. Respondents also highlighted that, while socially necessary but unprofitable routes are currently subsidised by local authorities, franchising would allow the operators to use more profitable routes to support socially necessary routes through cross-subsidy. They often cite Transport for London’s approach as a positive case study.

“Franchising is used extensively across Europe, as well as London where it offers a range of significant advantages that are impossible under partnership – such as integrated ticketing, network planning, cross subsidy across bus services and other modes and unified marketing.” (Transport operator)

- 3.5 Many respondents supported the proposal for local franchising with caveats. A significant proportion of these respondents, including the FoE Scotland campaign, argued that provision for a highly regulated franchising system should be included in the Scottish Government’s forthcoming Transport Bill. Some respondents provided other caveats, that franchising should:

- Be available as an option alongside partnerships or ownership, rather than a ‘one size fits all’;
- only be used as a last resort in the event of market failure; and
- allow transport authority run bus services or arm’s length company run bus services to bid for franchises.

Concerns regarding local franchising

- 3.6 Some respondents expressed concerns around local franchising. These included the potential for increased risk and transitional costs for local authorities, along with the argument that local authorities have little experience in how bus services are run. A few respondents referred to existing examples of franchising, arguing that franchising has not worked for the railways and that London’s success, for example, is incomparable as it is an urban area with low car ownership.

Suggestions for local franchising

3.7 Some respondents made suggestions for how the local franchising proposal could be changed or supplemented:

- Give transport authorities powers to specify service quality standards and withdraw franchises if these are not met;
- Combine profitable and socially necessary routes to make the franchises appealing to bids while meeting local needs;
- Restrict the number of areas operators can bid for to avoid monopolies; and
- Ring-fence transport budgets to withstand political instability.

Question 6: Do you think that the existing Quality Contracts require change to make franchising a more viable option?

3.8 Question 6 asked respondents whether they believe the existing Quality Contracts need to be changed to facilitate more effective franchising.

Table 7: Question 6 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	19	1	20
Other Public Bodies	7		7
Political parties and representatives	1		1
RTPs	5		5
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	3	4	7
User Groups		1	1
Total Groups (n)	35	6	41
<i>Total Groups (%)</i>	<i>85%</i>	<i>15%</i>	<i>100%</i>
Individuals (n)	52	27	79
<i>Individuals (%)</i>	<i>66%</i>	<i>34%</i>	<i>100%</i>
TOTAL (n)	87	33	120
<i>TOTAL (%)</i>	<i>73%</i>	<i>28%</i>	<i>100%</i>

- 3.9 The majority of respondents (73%) expressed support for changing the existing quality contracts. Groups were more supportive (85%) of this proposal than individuals (66%). While the majority of those supporting this proposal were local authorities, most of those opposing were transport operators.
- 3.10 There were 101 additional comments provided in response to question 6. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Need for changing the existing Quality Contracts

- 3.11 Some respondents highlighted the need for change by criticising the existing Quality Contracts, pointing to their lack of take-up along with their perceived administrative burden on both transport authorities and bus operators.

“As stated in the document, no QC has ever been developed and the feedback is that the process is over complex. Local Authorities and Operators have less staff to manage more resource intensive processes.” (Local authority)

- 3.12 A significant proportion of respondents, including the FoE Scotland campaign, suggested that an amended Quality Contract system, giving more powers to transport authorities to define service quality, would be the next best option after transport authority run bus services.
- 3.13 A few respondents argued that the existing requirement that QCs must be “necessary to implement relevant general policies” was too onerous and that this should be ‘softened’.

Maintain existing Quality Contracts

- 3.14 A few respondents argued that the existing Quality Contracts should be maintained, commenting that they are still untested and deserve to be given a chance to prove their merit.

Question 7a: Considering the information on our proposal on pages 38-42 of the consultation document, do you think that there should be any consent mechanism for an authority to begin the process of assessment for franchising?

3.15 Question 7a asked respondents whether there should be a consent mechanism to begin the assessment process for franchising.

Table 8: Question 7a – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	9	9	18
Other Public Bodies	2	5	7
Political parties and representatives	1		1
RTPs	1	3	4
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	6	3	9
User Groups	1	1	2
Total Groups (n)	20	21	41
<i>Total Groups (%)</i>	<i>49%</i>	<i>51%</i>	<i>100%</i>
Individuals (n)	40	33	73
<i>Individuals (%)</i>	<i>55%</i>	<i>45%</i>	<i>100%</i>
TOTAL (n)	60	54	114
<i>TOTAL (%)</i>	<i>53%</i>	<i>47%</i>	<i>100%</i>

3.16 Respondents were split on the proposal for a consent mechanism for an authority to begin the process of assessment for franchising, with only a small majority (53%) supporting this proposal. Individuals were slightly more supportive (55%) of this proposal than groups (49%). Different categories were also split.

3.17 There were 97 additional comments provided in response to question 7a. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of a franchising consent mechanism

- 3.18 Some respondents highlighted the potential benefits of a consent mechanism for local franchising. They commented that this would ensure that transport authorities do not make decisions that could have an adverse impact on bus users, either due to perceived inexperience or political motivations.

Concerns around a franchising consent mechanism

- 3.19 Several respondents expressed concerns over a consent mechanism for franchising. These included the potential for administrative burden and the argument that, as elected representatives for an area, local authorities are best placed to decide how transport is delivered to benefit bus users in terms of knowledge and accountability.

*“Local transport is a social service which is a responsibility of local government and its representatives answer to the electorate.”
(Individual)*

Suggestions for a franchising consent mechanism

- 3.20 A few respondents made suggestions for the proposed franchising consent mechanism. These primarily focused on a desire for increased user input, ranging from public consultation to requiring consent from bus users before going ahead with franchising.

Question 7b: Considering the information on our proposal on pages 38-42 of the consultation document, do you think that there should be a requirement for independent audit of the business case for franchising?

3.21 Question 7b asked respondents whether there should be an audit process for franchise business cases.

Table 9: Question 7b – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	16	3	19
Other Public Bodies	4	1	5
Political parties and representatives	1		1
RTPs	3	1	4
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	8	1	9
User Groups	2		2
Total Groups (n)	34	6	40
<i>Total Groups (%)</i>	<i>85%</i>	<i>15%</i>	<i>100%</i>
Individuals (n)	58	25	83
<i>Individuals (%)</i>	<i>70%</i>	<i>30%</i>	<i>100%</i>
TOTAL (n)	92	31	123
<i>TOTAL (%)</i>	<i>75%</i>	<i>25%</i>	<i>100%</i>

3.22 The majority of respondents (75%) expressed support for an independent audit of business cases for franchising. Groups were more supportive (85%) of this proposal than individuals (70%).

3.23 There were 104 additional comments provided in response to question 7b. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of a franchise business case audit

3.24 Some respondents highlighted the potential benefits of an independent audit of franchise business cases. These respondents primarily focused on how an audit would meet a perceived need for accountability and transparency surrounding vital public services. They also commented on the local authorities' perceived lack of franchising experience and the need to recognise local budget cuts.

“Impartiality would be prudent to ensure that public funds are wisely spent, particularly in light of the increased budget constraints faced by local administrations.” (Individual)

3.25 A few respondents supported the idea of a business case audit but with caveats. One request was that any audit considers the social impact of franchising, rather than focusing purely on financial impact. In contrast, other respondents argued that any audit should focus on process and not make value judgements.

Concerns around a franchise business case audit

3.26 Some respondents expressed concerns with a franchising business case audit. These included the potential for administrative burden and the argument that local authorities have existing processes for scrutiny and procurement.

Suggestions for a franchise business case audit

3.27 A few respondents made suggestions for a franchising business case audit. One frequent suggestion was to allow the public or bus user groups to scrutinise the business case themselves by public consultation.

Question 7c: Considering the information on our proposal on pages 38-42 of the consultation document, do you think that there should be an approval process beyond that of the transport authority itself, before franchising can take place?

3.28 Question 7c asked respondents whether there should be an approval process which takes place outside of the transport authority.

Table 10: Question 7c – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	10	8	18
Other Public Bodies	3	2	5
Political parties and representatives		1	1
RTPs	3	1	4
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	7	2	9
User Groups	1	1	2
Total Groups (n)	24	15	39
<i>Total Groups (%)</i>	<i>62%</i>	<i>38%</i>	<i>100%</i>
Individuals (n)	49	33	82
<i>Individuals (%)</i>	<i>60%</i>	<i>40%</i>	<i>100%</i>
TOTAL (n)	73	48	121
<i>TOTAL (%)</i>	<i>60%</i>	<i>40%</i>	<i>100%</i>

3.29 The majority of respondents (60%) expressed support for an approval process beyond that of the transport authority itself, before franchising can take place. Groups and individuals responded in a similar fashion.

3.30 There were 105 additional comments provided in response to question 7c. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of an approval process

3.31 Some respondents highlighted the potential benefits of an approval process beyond that of the transport authority. They argued that this could avoid the potential impacts of locally politically-motivated decisions or collusion. A few respondents specifically stated that Scottish Ministers would be the right approver owing to the potential scale and widespread implications of a local franchise. There was also particular support for the proposed public interest test and its potential for giving local communities increased input.

“Gives a chance for an appeal process to be mounted by communities if the proposals are not as they wish.” (Individual)

3.32 Several respondents were supportive of an approval process beyond that of the transport authority but provided caveats. These included concerns that it could increase administrative burden or that political interference may simply be transferred from a local level to the lobbying of Scottish Ministers.

Concerns with an approval process

3.33 Some respondents expressed concerns with an approval process beyond that of the transport authority. As above (3.25), they highlighted the potential for administrative burden and the local authorities’ existing scrutiny processes.

Suggestions for an approval process

3.34 Several respondents made suggestions for how an approval process could be implemented. As above (3.26), a frequent suggestion was to involve the public in this approval process.

4. TRANSPORT AUTHORITY RUN BUS SERVICES

Question 8a: Do you think that transport authorities (including ‘model III’ RTPs) should be able to directly run bus services?

4.1 Question 8a asked respondents whether transport authorities should be able to run their own bus services.

Table 11: Question 8a – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	20	1	21
Other Public Bodies	5		5
Political parties and representatives	1		1
RTPs	3		3
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	3	5	8
User Groups	1	1	2
Total Groups (n)	33	7	40
<i>Total Groups (%)</i>	<i>83%</i>	<i>18%</i>	<i>100%</i>
Individuals (n)	67	14	81
<i>Individuals (%)</i>	<i>83%</i>	<i>17%</i>	<i>100%</i>
TOTAL (n)	100	21	121
<i>TOTAL (%)</i>	<i>83%</i>	<i>17%</i>	<i>100%</i>

4.2 The majority of respondents (83%) agreed that transport authorities should be able to directly run bus services. While the majority of those supporting this proposal were local authorities, the majority of those opposing were transport operators. Groups and individuals responded in a similar fashion.

4.3 There were 104 additional comments provided in response to question 8a. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of transport authority run bus services

- 4.4 Many respondents, including the FoE Scotland campaign, highlighted the potential benefits of creating transport authority run bus services. These included increased accountability through local democracy, the ability to avoid market instability and prioritising passengers' needs over profit through reinvesting for improvements.

“Profits would make a far greater difference to bus users and the quality of life in Scotland in the hands of local authorities than in the pockets of private companies' shareholders.” (Individual)

- 4.5 Respondents frequently referred to existing transport authority run bus services which they believed to be successful, including Lothian Buses. While Lothian is in fact an arm's length company run bus service, respondents often conflated these two different models.
- 4.6 A significant proportion of respondents, including the FoE Scotland campaign, emphasised their support for transport authority run bus services by criticising private bus operators. This included perceived lack of provision, unreliability and lack of affordable fares despite public subsidy.
- 4.7 Many respondents expressed support for transport authority run bus services but provided caveats. A significant proportion of respondents, primarily the FoE Scotland campaign, suggested that this proposal would only be feasible if transport authorities received central government funding to assist with initiation. Some respondents provided other caveats; one frequent suggestion was that this proposal is provided as an option to choose from alongside partnerships and local franchising rather than applied across the board.

Concerns around transport authority run bus services

- 4.8 A few respondents expressed concern with transport authority run bus services. Most commonly, these respondents focused on their potential for distorting competition. They argued that private bus operators would struggle to compete fairly against companies who are backed by public funding or that local authorities may give undue preference to their own companies.

Suggestions for transport authority run bus services

- 4.9 A significant proportion of respondents made suggestions for the implementation of transport authority run bus services. These included wholesale nationalisation of public transport, including buses, and including transport authority run bus services within the Scottish Government's forthcoming Transport Bill. Another frequent suggestion was to simplify existing

legislation, which respondents identified as the reason why there have been few transport authority run bus services recently.

Question 8b: Please describe the circumstances in which this might be appropriate.

4.10 Question 8b asked respondents when transport authority run bus services might be appropriate.

4.11 There were 98 comments provided in response to question 8b. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Appropriate circumstances for transport authority run bus services

4.12 Some respondents suggested that where the market fails to provide a socially necessary but unprofitable service, transport authority run bus services could appropriately fill this gap.

“Primarily where a directly run socially necessary bus service would provide best value, in comparison to letting contracts to a private operator at a higher cost to the public purse or where there is no interest from a private operator to run services in an area.” (Local authority)

4.13 Similarly, several respondents suggested that where the market fails to produce sufficient tenders, either in terms of value for money or service quality, this could also warrant the use of transport authority run bus services. Some respondents made other suggestions such as: using these services to routes which span transport authority boundaries; or where there is a need to connect with other modes of transport.

Question 8c: What, if any, safeguards do you think should be put in place to ensure that no operator has an unfair advantage in a deregulated market?

4.14 Question 8c asked respondents what safeguards may be needed in order to prevent any operators having an unfair advantage.

4.15 There were 113 comments provided in response to question 8c. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Safeguard suggestions

4.16 Some respondents suggested safeguards to ensure that no operator has an unfair advantage in a deregulated market. These often focused on transparency, including independent or public scrutiny to ensure transport authorities do not get undue competitive advantage.

“There need to be measures in place to prevent the local authority operator having an “inside track” or preferential consideration for local bus and school service tenders, and protection against the local authority cross subsidising operations to undermine the commercial bus network.” (Transport operator)

4.17 Several respondents suggested that service quality standards are put in place to ensure that transport authority run bus services are assessed with the same rigour as commercial bus operators.

4.18 A few respondents specifically suggested that the Transport Commissioner would be the appropriate individual to act as arbiter in the event of a dispute between a transport authority and a private bus operator.

4.19 A few respondents suggested that it is the fact that the market is deregulated which allows operators to gain unfair advantage, and that regulation could fix this.

Existing safeguards sufficient

4.20 A few respondents commented that existing competition regulation would be sufficient to ensure no operator has an unfair advantage in a deregulated market.

Question 9a: Do you think that transport authorities (including ‘model III’ RTPs) should be able to set up arm’s length bus companies to operate local bus services?

4.21 Question 9a asked respondents whether transport authorities should be able to set up arm’s length bus companies to operate local services.

Table 12: Question 9a – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	17	1	18
Other Public Bodies	5		5
Political parties and representatives	1		1
RTPs	2		2
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	5	2	7
User Groups	1	1	2
Total Groups (n)	31	4	35
<i>Total Groups (%)</i>	<i>89%</i>	<i>11%</i>	<i>100%</i>
Individuals (n)	55	22	77
<i>Individuals (%)</i>	<i>71%</i>	<i>29%</i>	<i>100%</i>
TOTAL (n)	86	26	112
<i>TOTAL (%)</i>	<i>77%</i>	<i>23%</i>	<i>100%</i>

4.22 The majority of respondents (77%) agreed that transport authorities should be able to set up arm’s length bus companies to operate local bus services. Groups, predominantly local authorities, were more supportive (89%) of this proposal than individuals (71%).

4.23 There were 104 additional comments provided in response to question 9a. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of arm's length company bus services

- 4.24 Some respondents highlighted the potential benefits of arm's length company bus services. They argued that having a distinct separation between the company and the transport authority would increase the chances of commercial sustainability, more accountability and reduced likelihood of unfair advantage over commercial operators. Respondents often referred to the perceived success of Lothian Buses, an existing arm's length company bus service.
- 4.25 Several respondents supported the proposal for arm's length company bus services but provided caveats. One frequent request was that arm's length companies are provided as an option to choose from alongside partnerships and local franchising rather than applied across the board. Respondents also requested safeguards to ensure these companies do not have an unfair competitive advantage (see question 9c below).

“A Transport Authority should be able to consider directly running a bus service to fill a gap in the market or to apply pressure in the market, for example in the instance of a monopoly in the market. However, the proposals must not suppress commercial activity and safeguards should be put in place to ensure no unfair advantage.”
(RTP)

Concerns around arm's length company bus services

- 4.26 Some respondents expressed concerns with arm's length company bus services. A few respondents argued that transport authorities lack the expertise of commercial bus companies. Others commented that these companies could gain unfair competitive advantage and distort the market.

Suggestions for arm's length company bus services

- 4.27 A few respondents made suggestions for arm's length company bus services. One frequent suggestion was to introduce means to allow collaboration between transport authorities in cases where routes cross district boundaries.

Question 9b: Please describe the circumstances in which this might be appropriate.

- 4.28 Question 9b asked respondents when arm's length company bus services may be appropriate.

4.29 There were 90 comments provided in response to question 9b. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section. Due to the similarly worded question 8b, respondents to 9b frequently referred to their answers to 8b.

Appropriate circumstances for transport authority run bus services

4.30 As above (4.12), some respondents suggested that where the market fails to provide a socially necessary but unprofitable service, arm's length company bus services could appropriately fill this gap.

4.31 As above (4.13), a few respondents suggested that where the market fails to produce sufficient tenders, either in terms of value for money or service quality, this could also warrant the use of arm's length company run bus services.

Question 9c: What, if any, safeguards do you think should be put in place to ensure that no operator has an unfair advantage in a deregulated market?

4.32 Question 9c asked respondents what safeguards may be needed in order to prevent any operators having an unfair advantage.

4.33 There were 91 comments provided in response to question 9c. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section. Due to the similarly worded question 8c, respondents to 9c frequently referred to their answers to 8c.

Business case

4.34 Some respondents were supportive of the proposal to require any prospective arm's length company to produce a full business case. They argued that this would ensure the company's commercial viability, its ability to meet local needs and to avoid undue competitive advantage over existing commercial bus operators.

“This business case must have a clear and transparent rationale that is fully auditable to ensure that the preferred option is value for money and meets the various legislative requirements.” (Other public body)

Other safeguards

4.35 Several respondents made additional suggestions for safeguards to ensure that no operator has an unfair advantage in a deregulated market. As above (4.16), these often focused on transparency, including independent or public scrutiny to ensure arm's length bus companies do not get undue competitive advantage. In addition, a few respondents suggested that local councillors, or those closely linked to them, should be forbidden from being employed by or on the board of arm's length companies.

Existing safeguards sufficient

4.36 As above (4.19), a few respondents commented that existing competition regulation would be sufficient to ensure no operator has an unfair advantage in a deregulated market.

Question 9d: What, if any, checks and balances do you think should be put in place for a transport authority looking to set up an arms' length company to run buses?

4.37 Question 9d asked respondents what the checks and balances may be for transport authorities who would like to set up arm's length company bus services.

4.38 There were 95 comments provided in response to question 9b. Due to thematic similarity of the comments, these points have been reported on together with question 9c above.

5. OPEN DATA

Question 10: Do you agree with our proposals to require the operators of local services to release open data on routes, timetables, punctuality and fares in a specified format?

5.1 Question 10 asked respondents whether they thought that bus operators should release data on routes, timetables, punctuality and fares.

Table 13: Question 10 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	20		20
Other Public Bodies	7		7
Political parties and representatives	1		1
RTPs	5		5
Third Sector	1		1
Trade Unions			
Transport Industry			
Transport Operators	5		5
User Groups	2		2
Total Groups (n)	41		41
<i>Total Groups (%)</i>	<i>100%</i>	<i>0%</i>	<i>100%</i>
Individuals (n)	87	5	92
<i>Individuals (%)</i>	<i>95%</i>	<i>5%</i>	<i>100%</i>
TOTAL (n)	128	5	133
<i>TOTAL (%)</i>	<i>96%</i>	<i>4%</i>	<i>100%</i>

5.2 The majority of respondents (96%) agreed that bus operators should release data on routes, timetables, punctuality and fares. Groups who replied to this question unanimously agreed with the proposal.

5.3 There were 113 additional comments provided in response to question 10. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of open data

- 5.4 A significant proportion of respondents highlighted the potential benefits of open data on routes, timetables, punctuality and fares. However, these respondents had different ideas of how open data could be used to improve bus services. Some focused on transparency and the advantages of seeing where a market is excelling or failing. Similarly, a few respondents argued that this would allow transport authorities the necessary information to extend or discontinue a contract with a provider. Some other respondents thought that open data would improve services from a user's perspective, with more accurate data being used for both online systems and paper timetables. Finally, some respondents focused on open data's potential for better informing public transport planning.

“A common standard for open data, which will assist operators, passengers and Transport Authorities to better plan and integrate the bus and overall public transport network, is clearly beneficial.”
(Individual)

- 5.5 Several respondents supported the concept of open data but provided caveats, such as the need to ensure consistency of data formats and the potential for administrative burdens upon smaller transport operators.

Concerns around open data

- 5.6 A few respondents expressed concerns about the potential for inaccurate or misinterpreted data, namely how only single tickets may give accurate information on passenger movements, unlike return, day or season tickets which can be used flexibly within a specific time period.

Open data suggestions

- 5.7 Some respondents made suggestions for how open data could be procured. A few of these respondents suggested consulting local authorities, RTPs and transport operators who already hold data to ensure there is no unnecessary duplication of effort. Another suggestion was that Electronic Bus Service Registration (EBSR) should be improved and replace the existing registration system which only requires a paper form when creating new bus routes.

Question 11a: Do you think that data provided by operators should be stored in a central data hub?

5.8 Question 11a asked respondents whether they thought that open data from operators should be stored in a central data hub.

Table 14: Question 11a – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	18	1	19
Other Public Bodies	6		6
Political parties and representatives	1		1
RTPs	4	1	5
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	7	1	8
User Groups	2		2
Total Groups (n)	38	3	41
<i>Total Groups (%)</i>	<i>93%</i>	<i>7%</i>	<i>100%</i>
Individuals (n)	84	8	92
<i>Individuals (%)</i>	<i>91%</i>	<i>9%</i>	<i>100%</i>
TOTAL (n)	122	11	133
<i>TOTAL (%)</i>	<i>92%</i>	<i>8%</i>	<i>100%</i>

5.9 The majority of respondents (92%) agreed that data provided by operators should be stored in a central data hub. Groups and individuals responded in a similar fashion.

5.10 There were 100 additional comments provided in response to question 11a. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of a central data hub

- 5.11 Some respondents highlighted the potential benefits of a central data hub. Some of the most common benefits described included ease of access for those who require the information, public accountability, shared data security and consistent quality of data.

“One repository for data which ensures the consistency of quality and format is preferable to many sources with no quality control.” (Local authority)

- 5.12 Several respondents supported the proposal for a central data hub but provided caveats. One of these was whether a central data hub would be well placed to quality check data without the appropriate local knowledge. Some of these respondents explicitly requested that the data hub should not conduct data checking, but instead leave this to transport authorities. A few respondents were supportive of the concept for a central hub but highlighted the existing website Traveline Scotland which, they argued, already carries out many of the proposal’s functions. Suggestions varied from adding to the existing Traveline Scotland website to seeking their advice on the creation of a new central data hub.

Concerns around a central data hub

- 5.13 A few respondents expressed concern about a potential central data hub. They commented that such data is usually used locally and thus it would be more appropriate to keep the data with transport authorities.

Suggestions

- 5.14 A few respondents made suggestions for how a central data hub could best operate. These included an emphasis on user-friendliness for the public and a non-digital format available for people with poor quality or lack of broadband internet.

Question 11b: If you do not support the use of a central data hub how do you think data should be stored/ made available?

- 5.15 Question 11b asked respondents for suggestions of alternatives to a central data hub.
- 5.16 There were 53 comments provided in response to question 11b. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section. It is important to note that the majority of respondents to this question either reiterated their support for a central data hub, suggested how the data hub should be implemented or stated that they had no opinion.

Alternatives to a central data hub

5.17 A few respondents suggested alternatives to a central data hub including, setting up a system for case by case requests for data from operators or a decentralised system using multiple servers.

Question 12: Do you support proposals for transport authorities to have the power to obtain information about revenue and patronage of services being deregistered, and where appropriate disclose this as part of a tendering process?

5.18 Question 12 asked respondents whether they thought that transport authorities should have the ability to access information about bus services which are being deregistered and potentially disclose this as part of a tendering process.

Table 15: Question 12 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	20		20
Other Public Bodies	5		5
Political parties and representatives	1		1
RTPs	4		4
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	3	3	6
User Groups	2		2
Total Groups (n)	35	3	38
<i>Total Groups (%)</i>	<i>92%</i>	<i>8%</i>	<i>100%</i>
Individuals (n)	78	11	89
<i>Individuals (%)</i>	<i>88%</i>	<i>12%</i>	<i>100%</i>
TOTAL (n)	113	14	127
<i>TOTAL (%)</i>	<i>89%</i>	<i>11%</i>	<i>100%</i>

5.19 The majority of respondents (89%) agreed that transport authorities should have the power to obtain, information about revenue and patronage of services being

deregistered, and where appropriate disclose this as part of a tendering process. Groups and individuals responded in a similar fashion.

5.20 There were 95 additional comments provided in response to question 12. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits of deregistered bus service data

5.21 Some respondents highlighted the potential benefits of powers to obtain deregistered bus service data. These comments focused on transparency and scrutiny, providing better value to users, giving tenderers more accurate information to write bids and avoiding existing suppliers from having an unfair advantage.

“Disclosure of this information as part of a tendering process is in the best interests of the authority and passengers. It ensures a ‘level data field’ where all bidders have access to the same information and are able to submit accurate and realistic proposals. Non-disclosure restricts knowledge to the proprietorial incumbent who typically then inflate their bid.” (Transport operator)

5.22 Several respondents supported the proposal for deregistered bus service data with caveats. These included the recognition that most operators already voluntarily disclose this information, but that formal powers to obtain this would be a useful safeguard. Another common caveat was a request for more detail on the format of the information.

Concerns around deregistered bus service data

5.23 A few respondents expressed concern around this proposal, arguing that making deregistered bus service data public could give bus operators’ competitors an unfair advantage; they argued that basing a tender solely on previous costs would not constitute a genuine proposal.

Suggestions for deregistered bus service data

5.24 A few respondents made suggestions for deregistered bus service data. These included requests for clarification of the data format required and an exact timeline of the process. Another suggestion was that the proposal should cover not only complete de-registrations, but also the withdrawal of bus routes or parts of bus routes.

6. ADDITIONAL COMMENTS AND SUGGESTIONS

Question 13: Please provide any other comments or proposals around the regulation of bus services in Scotland that were not covered in the above questions.

- 6.1 Question 13 asked respondents to provide additional comments in relation to the consultation.
- 6.2 There were 123 comments provided in response to question 13. Where possible these comments have been reported on in the previous five chapters.

General comments on the proposals

- 6.3 A few respondents made comments on the proposals in their entirety without being specific. These varied from supportive, on the condition that bus services are improved, to sceptical of their ability to improve bus services.

Public transport comments

- 6.4 Some respondents criticised the current state of public transport in Scotland, including buses, citing perceived flaws such as unaffordable fares, infrequent services, unreliability and a lack of integration between modes. Criticism specifically about private bus operators is reported on above at 4.6.
- 6.5 A few respondents made positive comments about the current state of public transport in Scotland, including buses, citing high levels of customer satisfaction and recent accessibility improvements such as audio-visual information and smart payment schemes.
- 6.6 Many respondents made suggestions for how public transportation in Scotland could be improved. Most of these, including the FoE Scotland campaign, focused on a desire for integration between different transport modes rather than attempting to improve each mode separately. Other suggestions included:
- Increased frequency of current bus routes;
 - Affordable fares and consistent fare structures;
 - Improved provision of bus services, especially in rural areas; and
 - Smart ticketing schemes².

² Please see the report for the concurrent consultation *The Future of Smart Ticketing in Scotland*

Consultation process comments

- 6.7 A few respondents praised the consultation process and materials. These respondents commended the fact that the proposals were being consulted on and welcomed the opportunity to give their input.
- 6.8 Some respondents expressed concern with the consultation process. Most of these comments focused on a perceived lack of accessibility in the consultation document due to technical and complex language.

“I found some of the questions were too difficult for normal members of the public like myself to answer. They were too specific and required knowledge of the current system and more in-depth knowledge of the proposals and legalities to be able to answer.”
(Individual)

- 6.9 Respondents made some suggestions for the consultation process;
- Involvement from passengers/citizens in on-going engagement around the proposals;
 - Offers from organisations for further discussion with them;
 - Wider promotion of the consultation; and
 - Consideration of the consultation together with the outputs of other consultations including those on free bus travel for older and disabled people and modern apprentices³, Low Emission Zones (LEZs)⁴ and smart ticketing⁵.

³ <https://www.transport.gov.scot/consultation/consultation-on-free-bus-travel-for-older-and-disabled-people-and-modern-apprentices/>

⁴ <https://www.transport.gov.scot/consultation/building-scotland-s-low-emission-zones/>

⁵ <https://www.transport.gov.scot/consultation/the-future-of-smart-ticketing-in-scotland/>

7. ASSESSING IMPACT

Question 14: Are there any likely impacts the proposals contained within this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed below?

7.1 Question 14 asked respondents about any potential impacts of the proposals on people within 'protected characteristics'. These are:

- Age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion and belief; and
- sex and sexual orientation.

Table 16: Question 14 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	11	6	17
Other Public Bodies	7	1	8
Political parties and representatives			
RTPs	2	1	3
Third Sector	1		1
Trade Unions			
Transport Industry			
Transport Operators	5	3	8
User Groups	1		1
Total Groups (n)	27	11	38
<i>Total Groups (%)</i>	<i>71%</i>	<i>29%</i>	<i>100%</i>
Individuals (n)	48	32	80
<i>Individuals (%)</i>	<i>60%</i>	<i>40%</i>	<i>100%</i>
TOTAL (n)	75	43	118
<i>TOTAL (%)</i>	<i>64%</i>	<i>36%</i>	<i>100%</i>

7.2 The majority of respondents (64%) agreed that the proposals are likely to impact on particular groups of people. More groups (71%) believed this than individuals (60%).

7.3 There were 93 additional comments provided in response to question 14. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits

7.4 Some respondents commented that as older people, disabled people, young people and those on lower incomes depend on buses, the proposals could improve their access to amenities and reduce social isolation. A significant proportion of respondents, including the FoE Scotland campaign, made the same point but with the caveat that this benefit would only be realised if the proposals facilitate improved bus services.

“The intention is to improve bus services and infrastructure throughout Scotland. If these aims are achieved there is the potential to impact positively on all groups, but particularly lower socio-economic and other societal groups who rely more on public transport.” (RTP)

Equality concerns

7.5 Several respondents expressed concern that, if vulnerable users are not considered, the proposals may have an adverse impact on particular groups of people. For example, respondents commented that if providers are unable to meet the new standards required for a SIP they may withdraw routes which vulnerable users are dependent on. Respondents argued that any reduction of services, or failure to increase services in areas already lacking, could increase social isolation for people with protected characteristics.

Mitigation suggestions

7.6 Some respondents made suggestions for how potential adverse impacts could be mitigated. While a few respondents requested a general increase in bus routes and affordable fares, others suggested physical improvements:

- Increased use of audio-visual announcements on buses for deaf and visually impaired people;
- reduced step height or provisions of a ramp for wheelchair users and buggies; and
- more space on buses for wheelchair users and buggies.

7.7 A few respondents suggested that Transport Scotland follow the Socio-Economic Duty (SED) which is currently being consulted on and will require “public authorities to do more to tackle the inequalities of outcome caused by socio-economic disadvantage”.⁶

No significant impact

7.8 A few respondents reiterated their response to the closed question, commenting that the proposals would not have a significant impact on those within protected groups.

⁶ <http://www.gov.scot/Publications/2017/07/8131>

Question 15: Do you think the proposals contained within this consultation may have any additional implications on the safety of children and young people?

7.9 Question 15 asked respondents about any potential impacts of the proposals on the safety of children and young people.

Table 17: Question 15 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	3	13	16
Other Public Bodies	1	6	7
Political parties and representatives			
RTPs	3	1	4
Third Sector		1	1
Trade Unions			
Transport Industry			
Transport Operators	5	3	8
User Groups		1	1
Total Groups (n)	12	25	37
<i>Total Groups (%)</i>	<i>32%</i>	<i>68%</i>	<i>100%</i>
Individuals (n)	36	42	78
<i>Individuals (%)</i>	<i>46%</i>	<i>54%</i>	<i>100%</i>
TOTAL (n)	48	67	115
<i>TOTAL (%)</i>	<i>42%</i>	<i>58%</i>	<i>100%</i>

7.10 The majority of respondents (58%) thought that the proposals are not likely to impact on the safety of children and young people. Slightly more individuals (46%) believed the proposals would have an impact on the safety of children and young people than groups (32%).

7.11 There were 65 additional comments provided in response to question 15. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits

7.12 Some respondents commented that as children and young people are more reliant on buses, the proposals could reduce the time they spend walking alone. A few respondents also stated that the proposals could reduce traffic, through modal shift, and reduce the possibility of young pedestrian collision accidents.

Child safety concerns

7.13 Several respondents argued that, if the proposals cause a reduction of services or failure to increase services in areas already lacking, child safety may become a concern with more children and young people walking alone.

Mitigation suggestions

7.14 A few respondents made suggestions for how potential adverse impacts could be mitigated, such as providing safeguarding training to bus drivers to recognise young people who are at risk.

No significant impact

7.15 A few respondents reiterated their response to the closed question, commenting that the proposals would not have a significant impact on child safety.

Question 16: Do you think the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector?

7.16 Question 16 asked respondents whether the proposals are likely to increase or reduce costs or burden on different sectors in Scotland.

Table 18: Question 16 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	16		16
Other Public Bodies	3	1	4
Political parties and representatives			
RTPs	3		3
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	6	2	8
User Groups	1	1	2
Total Groups (n)	29	4	33
<i>Total Groups (%)</i>	<i>88%</i>	<i>12%</i>	<i>100%</i>
Individuals (n)	38	37	75
<i>Individuals (%)</i>	<i>51%</i>	<i>49%</i>	<i>100%</i>
TOTAL (n)	67	41	108
<i>TOTAL (%)</i>	<i>62%</i>	<i>38%</i>	<i>100%</i>

7.17 The majority of respondents (62%) thought that the proposals are likely to increase or reduce the costs and burdens placed on any sector. A larger number of groups (88%) stated that there would be impacts than individuals (51%).

7.18 There were 96 additional comments in response to question 16. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits/reduced costs

7.19 Several respondents highlighted the proposals' potential to reduce costs for businesses, particularly bus operators. They acknowledged that there may be initial costs resulting from legislative or contractual changes. However, they argued that in the long-term, improved efficiency and increased bus patronage would be reflected in bigger profits.

“Upgrades to the existing fleet and investment in infrastructure obviously require significant costs to implement, but these should be viewed within the context of improving services and thereby increasing ridership, which will in turn increase profits on bus services to the benefit of all parties.” (Individual)

7.20 Some respondents argued that increased costs for bus operators should not be a concern if there is an ideological emphasis on people over profit.

Cost/burden concerns

7.21 Several respondents expressed concern that the proposals may increase costs for businesses, particularly bus operators. They attributed these potential costs to training, new infrastructure and administration regarding open data. A few respondents expressed a different concern that a reduction in bus routes may cut off certain businesses from staff and customers.

Mitigation suggestions

7.22 A few respondents made suggestions for how potential adverse impacts on businesses could be mitigated, such as eliminating fares that allow unlimited travel within a time period rather than for individual journeys.

No significant impact

7.23 A few respondents reiterated their response to the closed question, commenting that the proposals would not increase or reduce costs for any sector.

Question 17: Are there any likely impacts the proposals contained in this consultation may have upon the privacy of individuals?

7.24 Question 17 asked respondents about any potential impacts of the proposals on the privacy of individuals.

Table 19: Question 17 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	2	16	18
Other Public Bodies		7	7
Political parties and representatives			
RTPs		4	4
Third Sector		1	1
Trade Unions			
Transport Industry			
Transport Operators		9	9
User Groups		2	2
Total Groups (n)	2	39	41
<i>Total Groups (%)</i>	<i>5%</i>	<i>95%</i>	<i>100%</i>
Individuals (n)	9	72	81
<i>Individuals (%)</i>	<i>11%</i>	<i>89%</i>	<i>100%</i>
TOTAL (n)	11	111	122
<i>TOTAL (%)</i>	<i>9%</i>	<i>91%</i>	<i>100%</i>

7.25 The majority of respondents (91%) thought that the proposals are not likely to impact on the privacy of individuals. Slightly more individuals (11%) believed that the proposals would have an impact on the privacy of individuals than groups (5%).

7.26 There were 39 additional comments provided in response to question 16. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

No significant impact

7.27 Some respondents reiterated their response to the closed question, commenting that the proposals would not impact upon the privacy of individuals. A few of these respondents commented that the data referred to in the open data proposals could not be linked to individual passengers.

7.28 A few respondents commented that there should be no impacts on the privacy of individuals, provided that open data is kept in line with data protection laws.

Privacy concerns

7.29 A few respondents expressed general concerns about personal privacy regarding multinational technology companies.

Question 18: Are there any likely impacts the proposals contained in this consultation may have upon the environment?

7.30 Question 18 asked respondents about any potential impacts of the proposals on the environment.

Table 20: Question 18 – Responses by type of respondent

Type of respondent	Yes	No	TOTAL
Campaign Groups			
Local Authorities	11	6	17
Other Public Bodies	4	2	6
Political parties and representatives			
RTPs	3	1	4
Third Sector			
Trade Unions			
Transport Industry			
Transport Operators	6	3	9
User Groups	2		2
Total Groups (n)	26	12	38
<i>Total Groups (%)</i>	<i>68%</i>	<i>32%</i>	<i>100%</i>
Individuals (n)	55	27	82
<i>Individuals (%)</i>	<i>67%</i>	<i>33%</i>	<i>100%</i>
TOTAL (n)	81	39	120
<i>TOTAL (%)</i>	<i>68%</i>	<i>32%</i>	<i>100%</i>

7.31 The majority of respondents (68%) thought that the proposals are likely to impact on the environment. Groups and individuals responded in a similar fashion.

7.32 There were 93 additional comments provided in response to question 18. The following section reports on these comments. Relevant points made in responses to other questions, along with pertinent comments made in responses that did not follow the consultation questions structure are also covered in this section.

Potential benefits

7.33 Some respondents highlighted the proposals' potential benefits for the environment. These comments focused on increased or improved bus services encouraging modal shift from private car use to buses. They argued that with less cars on the road there would be a reduction in traffic, along with the argument that buses account for less carbon per person than cars. Many respondents, including the FoE Scotland campaign, made the same point but with the caveat that this benefit would only be realised if the proposals facilitate improved bus services.

“If, as intended, the proposals reverse the decline in bus patronage in Scotland and result in modal shift away from car use, the proposals will have a positive environmental impact.” (Local authority)

7.34 A few respondents argued that the proposals would only be beneficial to the environment if low emission buses, such as hydrogen or electric, are used instead of traditional fossil fuel based vehicles.

Environmental concerns

7.35 A few respondents expressed concern that the proposals may have an adverse impact upon the environment. They were sceptical of the proposals' potential for increasing modal shift from cars to buses, which would have reduced the carbon footprint per passenger.

Mitigation suggestions

7.36 Some respondents made suggestions for how potential adverse impacts on the environment could be mitigated. These primarily focused on initiatives to encourage low emission buses such as Transport Scotland's Scottish Green Bus Fund⁷ and proposed Low Emission Zones (LEZs)⁸.

No significant impact

7.37 A few respondents reiterated their response to the closed question, commenting that the proposals would not have a significant impact upon the environment.

⁷ <https://www.transport.gov.scot/public-transport/buses/scottish-green-bus-fund/#>

⁸ <https://www.transport.gov.scot/consultation/building-scotland-s-low-emission-zones/>

ANNEX 1: GROUP RESPONDENTS

Nine organisations stated that they did not want their response or name published and do not appear in the table below.

Group Respondent	Group type
Abellio	Transport Operators
Aberdeen City Council	Local Authorities
Aberdeenshire Council	Local Authorities
ATCO Scotland (Association of Transport Co-ordinating Officers)	Other Public Bodies
Bus Users Scotland	User Groups
Chartered Institution of Highways & Transportation (CIHT) - Scottish Policy Forum	Other Public Bodies
Citizens Advice Scotland	Other Public Bodies
Community Transport Association	Other Public Bodies
Competition and Markets Authority	Other Public Bodies
Confederation of Passenger Transport	Transport Operators
Dumfries and Galloway Council	Local Authorities
Dundee City Council	Local Authorities
Eglesham and Waterfoot Community Council	Local Authorities
Falkirk Council	Local Authorities
Fife Council	Local Authorities
FirstGroup plc.	Transport Operators
Friends of the Earth Scotland	Campaign Groups
Get Glasgow Moving	Campaign Groups

Group Respondent	Group type
Glasgow City Council	Local Authorities
Glasgow Labour Group	Political parties and representatives
Highlands and Islands Transport Partnership (HITRANS)	RTPs
Kelvindale Community Council	Local Authorities
Levenmouth Rail Campaign (LMRC); & CLEAR Buckhaven	User Groups
McGill's Bus Service Ltd	Transport Operators
Mobility and Access Committee for Scotland (MACS)	Other Public Bodies
Moray Council	Local Authorities
Neil Bibby MSP	Political parties and representatives
Newtonhill, Muchalls & Cammochmore Community Council	Local Authorities
North Ayrshire Council	Local Authorities
North Lanarkshire Council	Local Authorities
Office of Aileen Campbell, MSP for Clydesdale	Political parties and representatives
Outside the Box	Third Sector
Paths for All	Third Sector
Perth & Kinross Council	Local Authorities
Renfrewshire Council	Local Authorities
Royal National Institute of Blind People (RNIB)	Other Public Bodies
SCOTS (Society of Chief Officers of Transportation in Scotland)	Other Public Bodies

Group Respondent	Group type
Scottish Accessible Transport Alliance	Other Public Bodies
Scottish Borders Council	Local Authorities
South East Scotland Transport Partnership	Transport Operators
South West of Scotland Transport Partnership (SWestrans)	RTPs
Stagecoach Group Plc.	Transport Operators
Stirling Council	Local Authorities
Strathclyde Partnership for Transport (SPT)	RTPs
Tayside and Central Scotland Transport Partnership (Tactran)	RTPs
The Highland Council	Local Authorities
The Regional Transport Partnerships of Scotland	RTPs
Unite the Union	Trade Unions
West Coast Motors	Transport Operators
Xplore Dundee	Transport Operators
ZetTrans	RTPs



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Transport Policy

Buchanan House,
58 Port Dundas Road,
Glasgow, G4 0HF
0141 272 7100
info@transport.gov.scot

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