

Report to Partnership Meeting 26 September 2014

Research and Strategy Delivery

Transport Scotland Bus Service Registration Consultation

Purpose of Report

To seek approval from Members of HITRANS response to the Transport Scotland consultation exercise on Bus Service Registration.

BACKGROUND

Transport Scotland published a consultation document on bus service registration in Scotland on 1 August 2014. Consultation responses are to be submitted by 24 October 2014. The consultation document is available for inspection at <http://www.transportscotland.gov.uk/report/consultation-changes-bus-registration-scotland-5993>.

A HITRANS response was submitted to an earlier Transport Scotland request for views on potential revisions to the bus service registration. The present consultation follows on from this and subsequent discussion at the National Bus Stakeholders Group (BSG) meeting on 30 October 2013.

DISCUSSION

The purpose of this consultation is to discuss potential changes to the bus registration process in Scotland. Transport Scotland state that they are designed to offer public transport authorities the opportunity to better manage the effects of planned bus service changes, new services and withdrawal of services on the transport network, while maintaining the overall competition-based approach to bus service provision.

The proposals have been developed from a review of the bus registration system being undertaken by Transport Scotland and the Bus Stakeholders Group. The changes proposed are:

- extending the period for notifying relevant authorities in advance of registration from 14 to 28 days;
- strengthening the requirement on bus operators to consult rather than simply notify the relevant authorities;
- encouraging the relevant authorities where appropriate to draw concerns arising out of registrations to the attention of the Traffic Commissioner and/or Transport Scotland;
- reducing the registration period from 56 to 42 days – either for all registrations or for those submitted electronically – in order to maintain the overall time taken for the whole process from initial notification to the start of the service at 70 days.

A draft a response to the questions set out in the Consultation document is enclosed as Appendix A.

Recommendation

1. Members are asked to note this report.
2. Members are asked to consider the proposed response set out in Appendix A and make amendments to this or approve it.

Risk	impact	Comment
RTS delivery	√	The changes to registration process would bring benefits to the Public Transport RTS horizontal theme.
Policy	√	The changes to registration process would have a positive impact on public transport network stability.
Financial	-	There are no financial implications from this item.
Equality	-	No Equality implications.

Report by: Ranald Robertson
Designation: Partnership Director
Date: 8th September 2014

APPENDIX A – Transport Scotland Bus Service Registration Consultation

Question 1: do you agree with the proposal to extend the pre-registration notice period from 14 days to 28 days?

Yes No

Comments

This will ensure Transport Authorities are given reasonable time to react to service change proposals and fully understand the impact these registrations could have on local networks. It should be noted that in some cases the Transport Authority will be the local authority and in others the Regional Transport Partnership.

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

Comments

The proposal to replace duty to inform with a duty to consult relevant authorities will be a step forward that should make a real difference in terms of how discussions are framed around the registration process. This change should ensure that the relevant transport authorities are informed and consulted on changes in advance and to make a contribution into the detail of the changes as they develop.

Thought needs to be given to the “relevant” authorities. Local authorities are the most obvious responsible transport authority in the Highlands and Islands but HITRANS as the RTP will have a real interest in many circumstances in terms of transport integration and wider strategic policy. In other areas the RTP is performing the transport commissioning and specifying function (SPT in 12 local authority areas, ZetTrans in Shetland and Swestrans in Dumfries and Galloway) so they will be the main transport authority but the 14 local authorities covered in these circumstances still have an interest in the detail of bus service changes that can have real impacts at the local level.

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

Comments

This will be a useful opportunity for transport authorities to bring significant issues to the

attention of the Traffic Commissioner. This should not be restricted to new registrations as there could be situations where changes to existing registrations have a significant impact that should be highlighted with the Traffic Commissioner.

Some guidance on this will be aspect of the process will be necessary and it is important to stress that issues should only be escalated to the Traffic Commissioner once agreement cannot be reached in the consultation process between transport authorities and 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

Comments

The 56 day registration period affords transport authorities the time needed to consider the impact of service changes. In the Highlands and Islands this is particularly important as the withdrawal of a commercially operated service could require the transport authority to consider whether there is a need to replace the lost mileage through a contracted service. Arriving at this decision requires time in terms of understanding possible impact and the time taken to achieve the necessary internal approval which is often constrained by Council Committee / RTP Board timetables.

A reduction from 56 to 42 days could be supported where the appropriate transport authority deems the consultation process to have been concluded satisfactorily and has a positive public service impact. An alternative scenario that could support a reduction from 56 to 42 days would be in the event of submission of registration by EBSR as covered under 4b.

Question 4b: An alternative option would be to reduce the registration period from 56 days to 42 days only where Electronic Bus Service Registration (EBSR) is used. Do you agree with this?

Yes No

Comments

EBSR registration would be a welcome development and the opportunity of a shorter registration period would potentially incentivise operator take up of EBSR. This would have a positive impact for key services including Traveline Scotland. It would also benefit transport authorities including HITRANS by helping reduce work in the manual handling of data used to populate timetable databases such as those that provide the foundation for roadside information, real time passenger information and printed timetables.

Question 5: Do you agree that we should require operators to detail within registered hourly frequency bands any services that are registered as frequent services?

Yes No

Comments

There are few bus services that operate on the every 10 minutes or less basis in the Highlands and Islands but HITRANS would support the proposal that the frequency of these be precisely detailed within the registration to help address issues of predatory practice between operators.

Question 6: Do you agree that if the proposed changes set out above are adopted, they will improve the bus registration process in Scotland ?

Yes No

Comments

Those proposals to which HITRANS has responded "Yes" above would improve the bus registration process in Scotland. In general terms this Consultation and the work of the Bus Stakeholder Group are welcome interventions and represent a real attempt at achieving progress in partnership with operators.

Question 7: It is possible that much of what is proposed above could be achieved through Guidance and/or a Code of Conduct to facilitate engagement between operators and relevant authorities rather than changes to the legislation. Do you have any views on this?

Yes No

Comments

It is difficult to see how a real improvement can be guaranteed without legislative change. Guidance and / or a code of conduct would be at risk of not being adhered to and bypassed. The only way that changes to practice can be achieved with certainty is if these are set out in a binding way and legislation is needed to ensure this. Enshrining change in legislation will help deliver greater network stability and in the event of network change transport authorities will have the opportunity to react to change.