



**Community
Transport
Association**

**RESPONSE TO CHARLES GORDON MSP'S
PUBLIC CONSULTATION ON
The REGULATION OF BUS SERVICES BILL**

26th FEBRUARY 2009

The Community Transport Association (CTA) is a national charity giving voice and providing leadership, learning and enterprise support to member organisations, which are delivering innovative transport solutions to achieve social change. CTA UK promotes excellence through providing training, publications, advice and information on voluntary, accessible and community transport. Voluntary and community transport exists to meet the travel and social needs of people to whom these would otherwise be denied, providing accessible and affordable transport to achieve social inclusion.

The CTA is the representative body for third sector passenger transport operators in the UK. CTA Member organisations are involved in the provision of transport, especially accessible services. Our membership consists of 1400 organisations of whom 150 are based in Scotland.

CTA's Response to Consultation

The CTA welcomes the opportunity to contribute to the Regulation of Bus Services Bill Consultation. Our comments are shown on the following pages.

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1 Why have no transport authorities or bus operators yet implemented a statutory QP under the 2001 Transport (Scotland) Act?

This is a question for transport authorities and bus operators to answer, but our impression is that QPs are perceived as complex and that the bus industry would prefer voluntary arrangements.

2 How do you think bus services in your area could be improved? Do you think that more regulation via quality partnership and quality contract schemes would improve bus services?

QPs and QCs may lead to improvements in urban areas but may not necessarily make much difference in rural areas. Voluntary sector transport providers are being encouraged by the Scottish Government to develop as social enterprises, but a move towards QPs and QCs is more likely to stifle enterprise where exclusive contracts are written allowing an operator to have a monopoly in a set area.

We also believe that demand responsive transport (DRT) services should have a much greater role in service provision. Despite its place in the National Transport Strategy of 2006 there is not many signs that investment is being made in this direction. All the evidence points to a high level of unmet need for DRT, particularly amongst older and disabled people, who need more flexible services than the traditional fixed routes, in order that they can access the services they require. The voluntary sector provides the bulk of DRT services. With Scotland's rapidly growing population of older people the need to invest more in these services is becoming ever more pressing. By 2030 it is expected that the population of people over 75 in Scotland will increase by 75%, and with old age comes a higher incidence of disability. Bus services should recognise this huge demographic change and develop the services that best meet the needs of our ageing population.

Bus service development is caught between Local Authority and Scottish Government social/environmental policy objectives and the commercial imperatives on which public transport is organised. Hence, in an economic downturn bus companies scrap routes that are on the margins of commercial viability. This leads to pressure on overstretched Local Authority budgets for supported bus services that are deemed to be socially valuable. Re-regulation of the bus industry may be one way of dealing with this issue, though it should be recognised that the marketplace has achieved a great deal. A solution could be that the Scottish Government creates a central fund for Local Authorities to bid into for local supported bus networks.

3 Is it the case that no QPs under the 2001 Transport (Scotland) Act have been developed to date by transport authorities and bus operators because of significant development costs and little evidence that they

would offer much more than is already available through voluntary partnerships?

Our view, based upon what we hear from transport authorities and bus operators, is that this is the case.

4 What are your views on simplifying how quality partnership and quality contract schemes can be set up? How can the process be simplified?

We are not in a position to comment on this.

5 What are the costs involved in implementing a quality partnership or quality contract?

We are not in a position to comment on this.

6 What are your views on abolishing the requirement for quality contract schemes to be approved by Scottish Ministers? What should the alternative be?

We have no strong view on this.

7 The Scottish Government's "Bus policy Overview" of 2006 said "...there are areas – notably in the West of Scotland – where the quality of service in the evenings and on Sundays is restricted. In addition in parts of rural Scotland, bus services are too thin to provide the services which people seek." Has the situation described above improved, worsened or remained the same?

We are not aware of improvements since 2006 and in some parts of the country services have worsened.

8 Given the examples of voluntary partnership between transport authorities and bus operators, is there a need for further bus regulation?

There is a case for looking at this as there are too many people for whom bus services just don't work, particularly in rural areas. There are also parts of our cities where cut-throat competition by bus operators causes congestion.

The most significant government funding schemes to bus operators are Bus Service Operators Grant and the Bus Concessionary Fare Scheme. Neither are linked to the level of service bus companies are willing to provide. We think there should be a link between the level of service and funding.

9 How effective are voluntary partnerships between local authorities and bus operators in Scotland?

We think they have worked well up to a point but are far from perfect. Local authorities are in a weaker negotiating position when looking to have services run on unprofitable routes.

10 How could improved regulation of bus services support the work of the Traffic Commissioner in Scotland?

We would anticipate that the Traffic Commissioner's job would be made easier as regulation would mean more centralised control which in turn would mean greater scrutiny by more bodies into bus services.

11. Should provision of fully accessible buses in Scotland be 100% before the 2017 deadline set by the Disability Discrimination Act 2006?

Yes. We believe that 11 years is sufficient notice for bus operators to ensure that their vehicles are DDA compliant. As the Act is a Westminster matter we are not sure that much can be done in Scotland to speed up the process. Some companies, such as Lothian Buses, are well ahead of schedule but are likely to get disgruntled if public subsidy is provided to others who are less well advanced. An issue of concern is that small operators do not seem to be well prepared, possibly because they buy second-hand non-accessible buses from the big operators. Perhaps the Scottish Government should survey the industry to see how well prepared it is. Coaches are more of a concern than buses. The deadline for the introduction of fully accessible coaches is 2020 and as yet no manufacturer has come up with a suitable coach design for this to be implemented.

12. What are your views on the potential of regulation of buses to lead to greater co-ordination of buses with other modes of transport in terms of through journeys and through ticketing?

We believe that regulation of buses is more likely to lead to greater coordination with other modes as whatever needs to be done to co-ordinate matters can be imposed rather than leaving it to large numbers of operators to decide for themselves whether or not to opt in. As we understand it, there is a particular problem with rail operators, as currently they accept only tickets which have been issued by themselves.

13. Is there a case for disaggregating the Bus Service Operators Grant to Councils?

No, we do not think the case is strong. We do not see that disaggregation to Councils will necessarily lead to improvements. BSOG is a crucial income stream for many community transport operators and is always ploughed back into service development and enhancement. We would not wish to see this threatened in any way. Any loss of BSOG funding would render some routes unprofitable and would lead to further calls on Local Authority budgets for supported bus networks. Any reduction in BSOG funding would probably lead to a reduction in services for the most vulnerable in communities across Scotland

14. What are your views on Action Point 9 in the Scottish Government's Bus Action Plan: "In order to support franchising where there is market failure, review the legislation on QCs to simplify the process to be followed by transport authorities"?

If complexity is the main barrier to introducing QCs and addressing market failure then it would appear to make sense to review the legislation.

15. What are your views on Action Point 10 in the Scottish Government's Bus Action Plan: "Review the legislation to simplify the process and increase the benefits to the passenger"?

Putting passengers first should be the fundamental principle to bus service provision and so we would agree with a review which increases the benefits to passengers.

16. Is there ambiguity and consequent uncertainty on the issue of bus regulation in Scotland?

Yes, we think so. There are good arguments for both regulation and de-regulation but we don't believe the majority of people have strong views either way. Bus users want reliable, reasonably priced services at the times they need to travel irrespective of whether the service is regulated or deregulated.

17. Is this public consultation an opportunity to resolve ambiguity and uncertainty in bus policy in Scotland by providing evidence from interested parties?

Opening up bus policy to debate can certainly help in focusing on the issues and resolving ambiguity

18. What are your views on ensuring that those in receipt of the lower level of Disability Living Allowance are included in the scheme?

We strongly support this and would also wish to see return fares for carers of people on lower level DLA to be included when they are accompanying the DLA recipient on bus journeys. Carers who travel free as companions to take people to school or day care have to pay for the return part of their journey – we believe that this is unfair. A number of people who previously had entitlement cards have had their cards withdrawn.

19. What are your views on extending existing legislation to include community transport and demand responsive transport in the concessionary travel scheme?

We strongly support this. Community transport and demand responsive transport exists where service provision is inadequate or non-existent for people and whose mobility is thus impaired. This leads to social exclusion through not being able to access necessary services. So community transport is used by those who are most marginalised. The exclusion of these services from the current Free Bus Concessionary Fare scheme is its biggest weakness. Arguably, those who most need the current bus concession cannot use it.

Whilst the proposed Bill focuses on the problems in rural areas we would urge that existing legislation be extended to include community transport services in both rural and urban areas. Older and disabled people in towns and cities sometimes can't get to bus stops and need a door to door demand responsive transport service using fully accessible vehicles to access the services they require. There have been big improvements in recent years with regard to accessible bus transport but there are still restrictions on the number of older

and disabled people which buses can carry and so the oldest and most frail tend not to use buses. It is unfair that such people, whose problems are often compounded through having to live on a low income, have higher travel costs because they can't use their concession on the services which best meet their needs.

20. What equal opportunities issues arise from this and all other aspects of my proposal?

With regard to the Free Bus Concessionary Fare scheme we believe that the case for including community transport is, in principle, based on equal opportunities. Currently the scheme does not give opportunity for all and many of the most excluded people in Scotland cannot use their concession. The proposals in this paper address this inequality though they should include the needs of people in urban areas as well as rural areas.

QPs and QCs are likely to be instigated to provide fixed routes. Although the majority of people in Scotland live within 10 minutes walk of a fixed bus route, there are many people who are unable to walk even short distances to a bus stop. If funding is focused on QPs and QCs then we have concerns about funding for other types of service that cater for the needs of the less mobile and those who live in areas where there are no regular bus services.

21. What are your views on bolstering the Employment Rights of Bus Workers affected by competitive tendering by a protocol covering all interested parties?

We do not have a strong view on this matter