



**Community
Transport
Association**

Response to the Department for Transport

Consultation on Extension of the remit of Passenger Focus to bus and coach issues and the requirement to display information

Closing Date: 8 October 2009

The Community Transport Association

The 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.

The CTA is the UK's largest provider of training, advice and information on accessible, voluntary and community transport provision. The CTA is part-funded by the Department for Transport, the Welsh Assembly Government and the Department for Regional Development (Northern Ireland).

CTA's Response to Consultation

The CTA welcomes the opportunity to contribute to Department for Transport consultation process. After reading through the consultation we have decided to respond on those specific areas that we believe would have a marked effect on our sector.

Contact Details

Any queries regarding this response should be directed to:

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Annex E Consultation reply form

Consultation on extending the remit of the Rail Passengers' Council and a requirement on bus and coach operators to display information

PART 1 - Information about you

Name	Brian Shawdale
Address	Highbank Halton Street, Hyde, Cheshire
Postcode	SK14 2NY
Email	brian@ctauk.org
Company Name or Organisation	Community Transport Association
Please tick one box from the list below that best describes you/your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input checked="" type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
<p>If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:</p> <p>The CTA UK has approximately 1500 member organisations each of which have employees, volunteers and trustees. The exact total of people cannot be easily determined, however it is conservatively estimated that 50,000 people are involved in our member organisation's work. This response has been placed on our web site and the final version has been approved through an internal auditing process.</p>	
<p>If you would like your response or personal details to be treated confidentially please explain why:</p>	

PART 2: Your comments

Question 1: Should Passenger Focus be the statutory representative for tram passengers?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: We have no particular interest in tram operation but have answered this question on the basis that Passenger Focus should become the one-stop-shop for public transport passengers.		

Question 2: Do you agree that Passenger Focus' remit should include community transport services operated under section 22 permits?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: Section 22 public transport services carrying the general public should be included in the remit of Passenger Focus. However, under provisions in the Transport Act 1985, Section 22 operators are allowed, with the permission of the Traffic Commissioner, to recover losses made on operating a public transport service by operating private hire services. These “excursions and tours” should not be within the remit of Passenger Focus.		
Question 3: Do you agree with the exclusions from the definition of 'road passenger transport services and facilities'? Are any other exclusions needed?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: The demarcation of responsibilities would need to be made clear to passengers and Passenger Focus should be charged with referring onwards any enquires they receive that are not within their remit rather than returning correspondence to the originator.		

Question 4: Do you agree with the proposed arrangements for bus and coach matters partly or wholly operating in London?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: The demarcation of responsibilities would need to be made clear to passengers and Passenger Focus should be charged with referring onwards any enquires they receive that are not within their remit rather than returning correspondence to the originator.		
Question 5: Do you agree that Passenger Focus should be able to request any information from a relevant party?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: We agree in principle with the approach in the draft legislation. However we are concerned about how the 'reasonableness' of any request for information from operators will be determined. Specifically, in the case of Section 22 services, detailed electronic journey information is often not available (unlike most PSV stage carriage services) and cannot reasonably be provided. This is even more complex for Section 22 services that have been registered on a 'flexibly routed - demand responsive' basis.		
Question 6: Should there be an independent arbiter for disputed information requests and if so, who should it be?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: We agree that there is a need for an independent arbiter to establish the reasonableness of any request for information and consider that this should be under the auspices of the Chartered Institute of Arbitrators. We would consider the Traffic Commissioners to be an inappropriate form of arbitration.		

<p>Question 7: Should Passenger Focus be required to conduct a 'value for money' test before making a representation? If so, what form should it take?</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Please explain your reasons or add any additional comments you wish to make: We agree that a form of value for money test should apply. We suggest that criteria should be established so that early in the investigation process a priority of each issue referred can be determined. Complainants who have not already exhausted the internal complaints processes should be either referred back or given a low priority. Issues affecting greater numbers of passengers should be one, obvious, priority. Matters affecting people with disabilities should also be a priority.</p>		

<p>Question 8: How should operators and local authorities be expected to respond to representations made by Passenger Focus?</p>		
<p>Please explain your reasons or add any additional comments you wish to make: They should respond within a set timescale and to a standard that meets the need of Passenger Focus to address the issue that has been referred to it. However, non-public organisations should be able to provide information to Passenger Focus on the basis that such information is excluded from the Freedom of Information Act. This will lead to full and frank information being provided and hence better evaluation of issues by Passenger Focus. Any information provided on this basis would still be available to enforcement authorities if there are breaches of legislation revealed.</p>		
<p>Question 9: Do you think it would be appropriate for Passenger Focus to refer a matter to Traffic Commissioners or the Secretary of State for them to exercise appropriate powers when it does not receive an adequate response?</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Please explain your reasons or add any additional comments you wish to make: We agree this should apply but only after any arbitration process concerning the reasonableness of any requested information has been completed.</p>		

<p>Question 10: Who should act as the enforcer for tram services where Passenger Focus has not been able to achieve a satisfactory response?</p>		
<p>Please explain your reasons or add any additional comments you wish to make: This is not an area of interest to the CTA</p>		

Question 11: Do you agree with the proposals about representations made by Passenger Focus to traffic commissioners?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: We agree that Passenger Focus can refer issues to the Traffic Commissioner, however there should be no compulsion on the part of the Traffic Commissioner to act in any particular way. It may be appropriate that any complaints solely about punctuality or vehicle functionality should be referred to the Traffic Commissioner without any investigation by Passenger Focus.		
Question 12: Do you agree that Passenger Focus' role in handling complaints should be determined after it has completed a review of the complaints system?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: The most important outcome of such a review should be that, as far practicable, there should be a common complaints process for all issues raised. Passenger Focus should seek to agree common standards throughout its area of interest and only act as a 'final appeal' if the common standards that it has advocated have not been met.		
Question 13: Do you agree that as there is currently no appeals body for tram passengers, Passenger Focus should also take on this role if it is given a tram remit?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: This is not an area of interest to the CTA		
Question 14: Are any other changes required to the constitution of the (Rail) Passengers' Council?		
Please explain your reasons or add any additional comments you wish to make: This is not an area of interest to the CTA		
Question 15: Do you agree with the information that operators would be required to display on their bus?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Please explain your reasons or add any additional comments you wish to make:
The information should make it clear that any complaints must be addressed to the operator in the first instance.

<p>Question 16: Do you think that the providers of bus stops and bus stations should also be required to display such information?</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Please explain your reasons or add any additional comments you wish to make:
Whilst there are some practical difficulties, the concept is supported.

<p>Question 17: Do you think that operators of PSVs with fewer than nine seats which are being used to provide local services should be required to meet the information requirements?</p>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Please explain your reasons or add any additional comments you wish to make:
This not generally an area of interest for the CTA because Section 22 cannot be operated with these small vehicles but would support the view that all passengers should be provided with the same information.

<p>Question 18: Do you think that the providers of tram services should also be subject to the information requirements? If yes, who should enforce this?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Please explain your reasons or add any additional comments you wish to make:
This is not an area of interest to the CTA

Question 19: Should the location and design of information be prescribed in the regulations?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: We agree with the principle of this process but the regulations should not be too prescriptive and need to cope with all vehicle types and all infrastructure facilities		

Question 20: Do you agree with the information that operators would be required to display other than on the vehicle?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please explain your reasons or add any additional comments you wish to make: The information specified in the consultation should be provided on web sites, timetables and directly to anyone raising a complaint.		

Please send this completed form to: buses@dft.gsi.gov.uk or by post to:

Passenger representation and information display consultation
Department for Transport
Zone 3/11
Great Minister House
76 Marsham Street
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The deadline for responses is: 8 October 2009