

ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE

24 JANUARY 2002

SUBJECT: PUBLIC TRANSPORT UPDATE

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report updates Members of recent changes to local bus services in Angus including the award of emergency contracts where necessary. In addition, Members are informed of the progress made in relation to the renewal of the Travel Concession arrangement with ScotRail for April 2002. Details are given of Scottish Executive funding towards the transfer of information from Angus Council to Traveline (the National Transport Timetable) and comments are given in relation to the establishment of a Bus Users Complaints Tribunal under the Transport (Scotland) Act 2001.

1 RECOMMENDATION

It is recommended that the Committee –

- 1 note the local bus service changes introduced in Angus;
- 2 homologate the award of emergency contracts by the Director of Planning & Transport as detailed in this report to replace those contracts previously operated by Merlin's Ark who have ceased to trade;
- 3 note the negotiations with ScotRail for the continuation of the travel concession agreement from 31 March 2002;
- 4 note the provision of funding by the Scottish Executive for software provision in relation to the Traveline (National Transport Timetable) project;
- 5 note the officer response sent to the Scottish Executive in respect of the establishment of a Bus Users Complaints Tribunal for Scotland.

2 INTRODUCTION

- 2.1 This report updates Members of recent changes to local bus services in Angus including various actions undertaken to replace services previously operated by Merlin's Ark who have ceased to trade.. Members are also informed of the results of negotiations with ScotRail in respect of the continuation of the Travel Concession Agreement with them from 1 April 2002. Details are given of the funding arrangements from the Scottish Executive for the transfer of information from Angus Council to Traveline the National Transport Timetable. The Officer response submitted in relation to the Scottish Executive's consultation on the establishment of a Bus Users Complaints Tribunal under the provisions of the Transport (Scotland) Act 2001 is also appended.

3 ABERDEENSHIRE CROSS-BOUNDARY SERVICES

- 3.1 Aberdeenshire Council has re-tendered their Sunday contract for Service 101 which operates from Stonehaven to Montrose. Minor timetable changes were introduced from 6 January 2002. This contract is not subject to joint subsidy from Angus Council and no action is required in relation to these changes.

4 MERLIN'S ARK

- 4.1 Merlin's Ark ceased to trade on 3 January 2002 with no prior notice to this Authority. The Company commenced operation on 16 February 1998 and in the intervening period operated a number of services both in Aberdeenshire and in Angus many of which were in direct competition with existing operators.
- 4.2 Since the Company announced that they had ceased to trade M. W. Nicoll and Bluebird Buses Ltd. have amended their commercial operation in order to provide replacement journeys where gaps would have been left in timetables. Details of these replacement services and of journeys secured under contract to Aberdeenshire Council and Angus Council are detailed below.

Service 8/9/28 : Montrose – Craigo – Laurencekirk

- 4.3 M. W. Nicoll have provided additional journeys on Mondays to Fridays on Services 8/9, departing Laurencekirk at 16.35 and Montrose Railway Station at 18.07. These journeys are provided under contract to Aberdeenshire Council.
- 4.4 The existing Strathtay Scottish Ltd. Service 28 from Luthermuir at 08.10 has been re-timed to depart at 08.00, and runs via Laurencekirk at 08.10. Arrival times at Montrose are unaffected. The return journey on this service leaves Montrose Academy at 16.00 (Montrose High Street 16.05) and also calls at Laurencekirk (16.31) before continuing to Luthermuir.

Service 34 : Brechin Town Service

- 4.5 An emergency contract, to replace the previous contract with Merlin's Ark, to provide morning and afternoon journeys to and from Brechin High School has been awarded by Angus Council to Strathtay Scottish Ltd.

Service 101 : Montrose – St. Cyrus – Stonehaven

- 4.6 Bluebird Buses have registered additional services on Mondays to Fridays from Montrose Railway Station to Stonehaven at 9.56 and 11.53. Extra buses leave Stonehaven at 09.05 and 10.50.

Service 151 : Forfar – Pitkenedy – Brechin

- 4.7 An emergency contract has been awarded to Strathtay Scottish Ltd. for operation of the Thursdays only shoppers service. This service had previously been operated under contract to Merlin's Ark and is subsidised by Angus Council.
- 4.8 The cost of the replacement emergency contracts secured by Angus Council amounts to £12,093 in a full financial year. This compares with a current cost of £13,833 and represents an overall saving of £1,740 per annum. The reason for this

saving is the reduction in the number of passengers requiring transport on Service 34 which means that the service can be operated by a smaller vehicle. These emergency contracts have been awarded on two month's notice of termination and members are asked to homologate their award.

- 4.9 As a result of Merlin's Ark ceasing to trade all the public transport timetables affected and roadside publicity has been amended in order to provide the public with up to date details of the timetables in operation. Press notices were also issued detailing the changes.

5 SCOTRAIL – TRAVEL CONCESSION AGREEMENT

- 5.1 Angus Council has currently in place a Travel Concession Agreement with ScotRail which permits travel between any of the Angus Stations and to/from Broughty Ferry and Dundee. Concessions available are as follows:

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| • Senior Citizens | Quarter Fare |
| • Disabled Person | Free |
| • Severely Disabled Persons | Free |
| • Taxicard Holders | Free |

Reimbursement to ScotRail is made on the difference between the full fare and the ¼ fare paid by Senior Citizens. For free passengers they are assumed to amount to 1% of the journeys made by Senior Citizens. These costs are then discounted by 34%.

- 5.2 The current Travel Concession Agreement is due to cease on 31 March 2002. ScotRail have intimated that they are willing to continue with the current arrangement. A letter has subsequently been sent to ScotRail asking them to draw up a formal Agreement for signature.

6 TRAVELINE

- 6.1 The National Transport Timetable for Scotland was introduced on 31 December 2000 (Report 107/01 refers). This is a National telephone enquiry service branded Traveline covering the whole of Scotland with links to English call centres to give information on all modes of passenger transport throughout Britain.

- 6.2 Angus Council has actively supported the development of this project including purchasing Anite timetable software to compile a timetable database. There have however since the project began been difficulties in supplying data in an electronic format to Traveline. The Scottish Executive have taken on-board these problems and Angus Council has been informed that it is to receive funding to permit this electronic transfer of data. Money is to be given by the Scottish Executive to cover the purchase of an export and import module (approximately £12,000) which will permit the transfer of information out from the Council's database and also the flow of information back in from the National timetable. Details attached to the funding are still awaited.

7 CONSULTATION ON THE ESTABLISHMENT OF A BUS USERS COMPLAINTS TRIBUNAL UNDER SECTION 41 OF THE TRANSPORT (SCOTLAND) ACT 2001

- 7.1 The Transport (Scotland) Act 2001 permits Scottish Ministers to establish a bus users complaints tribunal to determine written complaints, made by individuals about the delivery of registered local bus services, which have not been satisfactorily resolved by a bus operator.
- 7.2 A complaint is determined as a written complaint to an Operator by an individual relating to the operation of any local bus service by that operator. The Tribunal will not consider complaints in relation to actual or proposed changes to bus services as these are a matter for the relevant bus company in respect of commercial services and local authority in respect of supported local bus services.
- 7.3 It is intended that the Tribunal consists of a Convener and two other members all to be appointed by the Scottish Ministers.
- 7.4 The Scottish Executive has requested feedback by 11 January 2002 regarding the establishment of the Tribunal, its make-up and procedures. The establishment of the Tribunal is welcomed and a copy of the officer reply submitted by Angus Council is shown in Appendix 1 to this report.

8 FINANCIAL IMPLICATIONS

- 8.1 As detailed in paragraph 4.8, the replacement of emergency contracts to secure services previously operated by Merlin's Ark has been achieved at a saving to the Council of £1,740 per annum. There are no additional financial implications arising from this report.

9 HUMAN RIGHTS

- 9.1 There are no human rights issues arising from this report.

10 CONSULTATION

- 10.1 The Chief Executive, Director of Finance and the Director of Law and Administration have been consulted in the preparation of this report.

11 CONCLUSION

- 11.1 The local bus service network continues to be kept under review, including the replacement of services secured under contract to Angus Council where necessary.
- 11.2 The continuation of the Agreement with ScotRail for the conveyance of concessionary passholders is welcomed.
- 11.3 Angus Council has over the last 12 months contributed information to the National Transport Timetable project Traveline and welcomes the additional funding from the Scottish Executive towards the purchase of an import and export module to enable the electronic transfer of data.

- 11.4 The establishment of a Bus Users Complaints Tribunal for Scotland is welcomed to deal with complaints from local bus service users that have not been satisfactorily resolved by Operators.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/LEM/KW
14 January 2002

Alex Anderson
Director of Planning and Transport

APPENDIX 1

CONSULTATION EXERCISE ON THE ESTABLISHMENT OF THE BUS USER COMPLAINTS TRIBUNAL UNDER SECTION 41 OF THE TRANSPORT (SCOTLAND) ACT 2001

Comments are invited on the Executive's proposals for the appointment of the Tribunal convenor and members.

The Executive's proposal to subject these appointments to the full "Nolan" procedures is welcomed. It is however considered that the size of the panel, with a Convenor and two Members, is perhaps overly restrictive and at least one other panel member should be appointed to ensure that a panel of three can always be readily convened.

Comments are invited upon the form of written complaints and the time within which they may be submitted for determination by the Tribunal. In particular, should there be a specific requirement as to the form of the complaint? Are the proposed time limits for receipt of written complaints and thereafter the standard form long enough or too long?

The submission of only written complaints for consideration and decision not to hold public hearings is considered to be reasonable. The proposal that the complaint should be received by the Tribunal within 21 days of the receipt of a reply from the Operator is acceptable, it would however be reasonable to extend this up to 30 days. The completion of a standard complaints form is acceptable this ensures that the necessary information will be given in order to deal with the complaint. The timescale for return of the form of within 21 days is reasonable.

Comments are invited on the procedure to be followed by the Tribunal in determining complaints. Should there be further additional requirements as to the procedures to be followed, or are these proposals too prescriptive? Is the proposed minimum of 4 meetings per year enough or too many?

The decision to deal with only written complaints is reasonable. It is however considered that a minimum of 4 meetings a year is not adequate. It may be that the Tribunal decides that they require further information to investigate a complaint – it would be unreasonable for the complainant to wait for example a further 3 months for a decision. It would be more reasonable for the Tribunal to meet more frequently and a minimum of 2 monthly would be considered adequate.

The Executive are inviting comments on the administrative procedures put in place to ensure that the Tribunal only considers those complaints which fall within its remit.

The proposals outlined are sensible, in particular trying to resolve the complaint with Operators rather than instigating formal procedures.

It is important to remember that some complaints may be in relation to subsidised local bus services and while they may not be within the remit of the Tribunal to deal with, the local authority may be able to take sanctions against the Operator. Even where these do fall within the remit of the Tribunal it is important to remember that the local authority still has an interest and a role to play.

Comments are invited on matters which the Tribunal shall have regard in determining complaints.

The proposals outlined gain the necessary evidence required to determine complaints.

Comments are invited on the powers of the Tribunal on making determinations (including the power to require the payment of compensation).

There are occasions when it is considered that compensation should be payable. It is agreed that this could either be monetary i.e. for example if an individual had to meet the expense of a taxi journey because of a failure to operate by the bus company or in the form of travel vouchers. Compensation should be restricted to the actual costs that an individual has had to bear. Other sanctions are available against Operators either from the Traffic Commissioner or in the case of subsidised services by local authorities.

Comments are invited on the tenure of office of Members of the Tribunal.

The appointment of a convenor for 3 years and members for 2 years is sensible in order to give continuity. It is however considered that it would be beneficial if there was no immediate re-appointment of the Members at the end of their term of office in order to ensure the Tribunal is open and dynamic and not overly influenced by one individual.

Comments are invited on the payment of remuneration and allowances to Members of the Tribunal.

A fixed annual payment to the Convenor and reasonable travelling expenses and subsistence for all Members (at the rates prevailing for the Scottish Executive) is considered appropriate.