

ANGUS COUNCIL**PLANNING AND TRANSPORT POLICY COMMITTEE****8 JUNE 1999****SUBJECT: WHITE PAPER - A NEW DEAL FOR TRANSPORT, DAUGHTER DOCUMENT
A BETTER ROLE FOR BUS TRAVEL****REPORT BY DIRECTOR OF PLANNING AND TRANSPORT**

Abstract: This report outlines the contents of the daughter document on buses following on from the Governments White Paper "A New Deal for Transport" issued in July 1998.

1 RECOMMENDATION

It is recommended that the Committee -

- 1 Note the contents of the daughter document on buses and agree that this report be submitted to the Department of the Environment, Transport and the Regions as Angus Council's response to the questions raised for consultation.

2 INTRODUCTION

- 2.1 This Committee was informed at its meeting on 20 April 1999 that the Government had issued a daughter document to the Transport White Paper entitled "From Workhorse to Thoroughbred - A better role for bus travel". This daughter document is a consultation paper which seeks views on a number of issues and proposals. Replies are to be submitted to the Department of Environment, Transport and the Regions by 25 June 1999 and it is recommended that this report is submitted as Angus Council's response.

3 THE BUSES DOCUMENT

- 3.1 A copy of the daughter document has been placed in the Members lounge for information. The main policies outlined in the document are summarised below:

A new framework for local authority influence over buses

- 3.2 Through the preparation of local transport strategies the Government is influencing local authorities to take a more strategic approach to transport provision in their area and encouraging them to set clear objectives and targets.
- 3.3 The consultation document on local transport strategies was reported to this Committee on 11 March 1999 (Report 277/99 refers). Angus Council will be required to produce a strategy document setting out its plans and priorities for the development of an integrated transport policy for its area. It was agreed at that meeting that an interim strategy would be prepared which would be reported back to this Committee in due course.

Statutory backing for Quality Partnerships

- 3.4 Voluntary partnerships between local authorities and Operators will be strengthened.
- 3.5 Quality Partnerships are partnerships where for example an operator will provide high quality vehicles in return for the local authority investing in infrastructure, traffic management etc.. A quality partnership has recently been entered into between Angus Council and Travel Dundee on the Auchmithie - Arbroath - Brechin - Stracathro corridor. Further such partnerships are to be encouraged, however, it must be recognised that away from key urban and inter-urban corridors there are few incentives for Operators to enter into such partnerships as the scope for recouping expenditure is limited.

An end to the deregulation "free-for-all"

- 3.6 Consultation will take place to consider options for reducing the frequency of service changes and the provision of additional powers for the Traffic Commissioner to take action against Operators who fail to provide the services which they have registered.
- 3.7 At present services can change with as little as 42 days notice. In addition, under the "5 minute rule" journeys can operate 5 minutes earlier or later than registered. The frequency of changes causes uncertainty to passengers. The 5 minute rule is particularly confusing as these changes are not advertised and can in some instances lead to journeys or connections being missed. A reduction in the frequency of timetable changes is to be welcomed. Penalties to operators for non-operation are also to be encouraged.

Better bus information

- 3.8 Local authorities will be given a statutory duty to provide bus passenger information in their area, this will support the development of a National Public Transport Information Service by the year 2000.
- 3.9 Angus Council already produces timetables for all local bus services operating within Angus. In addition, it provides roadside publicity at over 200 bus stops and shelters. Discussions are currently on-going with the Scottish Office regarding the development of a National Public Transport information Service and any developments in this regard will be reported back to a future meeting of this Committee.

More joint ticketing

- 3.10 Operators will be encouraged to develop joint ticketing arrangements. Consultation is on-going to consider giving the local authorities power to make bus operators provide such ticketing arrangements.
- 3.11 Joint-ticketing is to be welcomed in ensuring that the passenger is not penalised for having to transfer between services provided by different operators. Joint ticketing already exists within Angus between all services operated by Meffans Coaches and Strathtay Scottish Ltd. these two Companies being under the ownership of the Yorkshire Traction group. Currently Angus Council is facilitating negotiations

between two operators in Angus to establish a joint-ticketing arrangement on a specific corridor. It is hoped that if this is successful that further such arrangements would be forthcoming. It is considered that it would be beneficial to passengers if powers were given to local authorities to make operators provide such arrangements.

Service frequency enhancements

- 3.12 The legal position is to be clarified to permit local authorities to increase frequencies on commercial services for example to encourage a modal shift to public transport.
- 3.13 While under the 1985 Transport Act local authorities can enhance services (i.e. increase the frequency at which services operate) they have however the duty not to inhibit competition. In practice this constraint has inhibited local authorities making full use of this power. It is suggested in the daughter document that the constraint of not inhibiting competition under Section 92(1) of the 1985 Transport Act is repealed and this would be welcomed. To increase frequencies on an existing operators service would normally be achieved under the de-minimis arrangements rather than open tendering and therefore there is a need for the further relaxation of the current de-minimis limits. This is particularly necessary in Angus where there is one dominant operator accounting for approximately 95% of the current local bus service mileage.
- 3.14 Frequency increases it is hoped would increase bus useage and achieve a modal shift thereby assisting the local authority in achieving its Road Traffic Reduction Act targets as outlined in its Transport Strategy Document.

Option of bus "Quality Contracts" for area-wide networks

- 3.15 The Government intends to publish guidance and a formal appraisal process for the introduction of "Quality Contracts" which are in effect exclusive franchises for a route, small town or corridor. These are only likely to be introduced as a last resort when a Partnership approach has failed and would have to be agreed by the Scottish Executive. In practice it is anticipated that their application would be very limited.
- 3.16 Quality contracts are a final resort to ensure the provision of quality services where these cannot be achieved on a voluntary basis. Such contracts are welcomed although it is hoped that they will rarely be used.
- 3.17 There are 14 questions raised for consultation in the daughter document and responses to these are detailed in Appendix 1 to this report.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report.

5 CONSULTATION

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

6 CONCLUSION

- 6.1 The daughter document gives due recognition of the value of the bus as a means of transport not only for those without cars but as an attractive alternative for those with access to cars and contributing to addressing issues of sustainability. The raft of measures outlined in the document complement Angus Council's objectives as laid out in its Public Transport Policy Statement approved by this Committee on 25 April 1996 (Report 261/96 refers). In addition, the proposals would give the authority more powers to enhance services and ensure quality of provision and these are to be welcomed.

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
28 May 1999

Alex Anderson
Director of Planning and Transport

APPENDIX 1

RESPONSES TO THE DOCUMENT

- 1 Rural bus partnership - comments on the use to which the new funding has been put, and further ways of developing rural transport.
 - *It is too early to comment meaningfully on the success of the new funding, on-going monitoring is taking place to analyse this.*
 - *The additional money is welcomed, however long-term assurances are essential for the continuation of funding beyond the three year period initially announced.*
 - *Additional capital expenditure would be welcomed for infrastructure in rural areas.*
 - *Powers to tackle the problem of high bus fares for rural residents should be considered.*
 - *Increases in the de-minimis limits currently set would permit local authorities to enhance existing services through the de-minimis process.*
- 2 Quality partnerships - including proposals for ensuring compliance, both by operators and by local authorities.
 - *A legislative approach to ensuring all operators provide the same level of quality is welcomed. Quality partnerships are however very much an urban phenomenon and it is difficult to see how they could be widespread in a rural authority such as Angus as the scope for generating the additional number of passengers required to meet the investment by the operators in new vehicles etc. is lacking.*
- 3 Service enhancements - including possible options for modifying section 92(1) of the 1985 Transport Act.
 - *Section 92(1) of the 1985 Act places a duty on local authorities "not to inhibit competition". While more powers are welcomed there are dangers for moving away from this requirement particularly as is the case in Angus where there is one very dominant Operator. The proposal is however welcomed as it would permit the Authority to be more imaginative when tendering services without the fear of competing with the commercial network.*
 - *While service enhancements are important in tackling the rural transport issue it should be noted that frequency, availability and cost of services are important in combating social exclusion and the fares issue needs to be addressed.*

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- ***In enhancing services; operating additional journeys or extending the timetable, the need for the further relaxation of the current de-minimis limits is essential.***
- 4 Bus Quality Contracts - particularly the issues raised in paragraph 6.9 regarding transitional arrangements, transfer of operational assets and compensation.
- ***There is concern as to why in Scotland there is the requirement to show how and why a Quality Partnership has failed before a Quality Contract can be introduced rather than "thinking" that a Quality Partnership would not work as in the case for England and Wales.***
 - ***The arguments for Quality Contracts and timescales should be addressed in the Council's Local Transport Strategy and give sufficient advance notice of the Contract.***
 - ***It is considered that no compensation is necessary. The operator will have assets which can be disposed of and it is considered that the situation is not much different from that of an operator who loses their contracts on a tendered network. The transfer of all staff and depots is similarly considered inappropriate.***
 - ***It is considered that a Quality Contract should be 5-7 years in length because of the capital requirement for vehicles.***
- 5 Timetabling - the preferred limitations on timetable changes, and possible arrangements for exceptions.
- ***It is recommended that timetables could be changed 6 times per annum at two monthly intervals. Changes could be made outwith the agreed dates only with the support of the Local Authority, this caters for unforeseen circumstances.***
 - ***Public holidays should be registered as part of the timetable registration.***
 - ***In view of the National Timetable proposal an Integrated approach to transport timetable change dates should be common for express services, ferries and rail services.***
- 6 Notice periods - the option in paragraph 7.7 for amending the 42 day notice period; and in paragraphs 7.8-7.9 for amending the 5 minute rule.
- ***The 5 minute rule should be abolished, this saves inaccurate timetable information and ensures that connections are maintained.***
 - ***Periods of notice required are 12 weeks for commercial services and 42 days for tendered.***

- 7 Passenger information - particularly, comments on ways of determining a fair allocation of costs as between operators and local authorities.
- ***A large number of Authorities, including Angus, already produce comprehensive timetable information for passengers. To charge now for this is only likely to result in Operators recouping the costs through higher contract rates etc. and little benefit can be seen from this Authority in doing so. It is also considered that it could be difficult to develop a formula for recharging operators.***
 - ***The document is unclear as to what is meant by passenger information is this roadside publicity and printed timetables? There needs to be clarity on the minimum duty to be placed on the Authority. The Authority will in their Local Transport Strategy have to state the minimum information which they will provide and outline any recharging scheme.***
- 8 Bus service registrations - proposals for moving to a standard format.
- ***It is considered that every registration variation submitted should include a full timetable and route description.***
 - ***The supply of the registration in an electronic format is seen as problematic - it should be noted that many of the Operators in Angus have neither the facility of a FAX machine or photocopier therefore access to a computer is unlikely.***
 - ***It is suggested that a weekly list is produced by the Traffic Commissioner and sent to Local Authorities so that we are aware if an Operator has registered a service but we have not received a copy.***
- 9 Route numbers and display of timetables / fares - comments on the proposals in paragraphs 8.12-8.14.
- ***It is considered essential that route numbers should be shown (currently this is a requirement of Angus Council's contracted services).***
 - ***The suggestion that fare information should be displayed on buses as a statutory requirement is welcomed - it is considered that holding the information electronically in the ticket machine is insufficient. There should be a DUTY on Operators to publish and make widely available fares information and a statutory requirement on Operators to provide up-to-date fare information to the local authority in order for them to deal with passenger enquiries etc..***
- 10 Ticketing - in particular, options for securing a requirement on local bus operators to participate in joint ticketing schemes.
- ***A requirement on Operators to participate in through ticketing arrangements is viewed as essential in the interest of the passenger. It is considered that participation should be a statutory requirement similar to***

the regulations requiring participation in Authorities Travel Concession Schemes.

- 11 Financial penalties - options for amending the current FDR (Fuel Duty Rebate) penalty or introducing a new statutory penalty.
- ***Financial penalties should continue, these should be on a sliding scale taking into account the offence committed and the size of the Operator's business.***
 - ***The Traffic Commissioner should be given discretionary powers.***
- 12 Traffic Regulation Conditions (TRC's) - views on the proposal to introduce TRC's for environmental reasons.
- ***The introduction as TRC's are welcomed as these could be introduced far more speedily than Traffic Regulation Orders.***
- 13 Bus user representations - suggestions for ways in which the bus passenger's voice might be strengthened.
- ***Any representation should be independent of the Local Authorities, Operators or the Traffic Commissioner. It is considered that the RUCC (Rail Users Consultative Committee) should be widened to include buses and become a Transport Users Consultative Committee. From the principle of integration it is considered essential that there is only one body not separate bodies for different modes. The proposed Tucc should have Regional Offices (possibly linked to Regional Partnership Areas). It is considered essential that the Local Authorities role is fully recognised by the Tucc, for example with regard to complaints the Local Authority pays for a significant part of the local bus service network, therefore complaints should not just go from Tucc to the Operator but also to the local authority, similarly in service development the local Authority plays a vital role.***
- 14 De - minimis rules for tendering - comments for the case for possible further relaxation.
- ***The relaxation of the current de-minimis limits would assist with service enhancements - expenditure in such a manner by local authorities should have a strong best value argument (possibly a limit of 20% of the Council's local bus service budget to be spent under de-minimis should be considered).***
 - ***Bank Holiday services should be excluded from the de-minimis limits and if fixed amounts, are applied as is currently the case, then there should be separate amounts for any further Rural Transport Grant or other such monies given to Local Authorities.***