

# **Improving Bus Passenger Services through the Regulatory Framework:**

**Consultation Paper**

**March 2010**

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## Foreword

Buses are a crucial part of our transport system. Two thirds of all public transport journeys are made by bus. Buses are a lifeline for many of our communities and they have a key role to play if we are to meet the challenge of rising congestion on our roads and to sustain future travel growth while respecting the environment. The Department for Transport has been considering the case for possible changes to the legal framework for the local bus service, for greater improvement. This consultation seeks views on particular proposals that could further improve the service for everyone.

The Department's publication '*Towards a Sustainable Transport System*' published in 2007 and the subsequent publication '*Delivering a Sustainable Transport System*' in November 2008 established the five key goals for transport:

- **support** national **economic** competitiveness and **growth**, by delivering reliable and efficient transport networks;
- reduce transport's emissions of carbon dioxide and other greenhouse gases, with the desired outcome of **tackling climate change**;
- **contribute to better, safety, security and health** and longer life expectancy by reducing the risk of death, injury or illness arising from transport, and by promoting travel modes that are beneficial to health;
- **promote** greater **equality of opportunity** for all citizens, with the desired outcome of achieving a fairer society; and
- **improve equality of life** for transport users and non-transport users, and to promote a **healthy natural environment**.

The proposals set out in this paper have been developed within this context, following a review of existing policy and legal framework, and based on available evidence. This document will be of interest to local transport planners and operators, partner companies, local authorities, traffic commissioners, Private Hire Vehicle operators, Vehicle & Operator Services Agency (VOSA),

Integrated Transport Agencies, Passenger Transport Executives, Transport for London, devolved administrations and the travelling public.

DfT invites views on the proposals set out in this paper. Options presented are intended to stimulate discussion around the robustness of current regulations and procedures in ensuring optimum efficiency in service delivery, in line with Government objectives.

## 1. Introduction and Executive Summary

- 1.1 This consultation by the Department for Transport (DfT) seeks views on possible changes to the legal framework which applies to local bus services to provide greater effectiveness and improvement in service delivery. The paper sets out a number of issues for consideration, highlights some of the difficulties with existing secondary legislation and presents some proposals for addressing the issues.
- 1.2 Over recent years some aspects of the regulated local bus service and the PSV operator licensing regulations have been identified as areas where it might be desirable to make some changes through secondary legislation which could further improve local services. In some cases it is felt that updating the legal framework could be beneficial. The paper covers the following themes:
- Registration of local bus services: improving the provision of reliable and up-to-date information;
  - Bus contract '*de minimis*' provisions: reducing administrative costs for local authorities and bidders for service contracts;
  - 'General rules' provisions re: EU Regulation EC 1370/2007; increasing the scope for securing better deal on fares for passengers;
  - Driver and passenger conducts: improving bus journey experience for everyone.

## 2. How to Respond

- 2.1 The consultation period began on **9 March 2010** and will run until **1 June 2010**, please ensure that your response reaches us by that date. If you would like further copies of this consultation document it can be found at

[www.dft.gov.uk/localtransportact](http://www.dft.gov.uk/localtransportact) or you can contact Jimi Adeleye if you would like alternative formats (Braille, audio CD, etc).

2.2 Please send consultation responses to:-

Jimi Adeleye  
Buses and Taxi Division  
Regional & Local Transport Policy Directorate  
Department for Transport  
Zone 3/11 Great Minster House  
76 Marsham Street  
London SW1P 4DR  
Tel. 020 7944 2514  
E-mail: [LocalTransportAct@dft.gsi.gov.uk](mailto:LocalTransportAct@dft.gsi.gov.uk)

2.3 When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who the organisation represents, and where applicable, how the views of members were assembled.

2.4 A list of those consulted is attached at **annex C**. If you have any suggestions of others who may wish to be involved in this process please contact us.

### 3. Freedom of Information

3.1 Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

3.2 If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if

you could explain to us why you regard the information you have provided as confidential.

- 3.3 If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

## The proposals

### 4. Registration of local bus services: improving the provision of reliable and up-to-date information

- 4.1 Current legislation in England and Wales requires operators to register details of local bus services with the traffic commissioner. Normally a minimum period of 56 days must elapse between the traffic commissioner accepting the application and the new service coming into operation (or the existing service being varied or withdrawn). There are some exceptions to the normal 56-day notice period, including special arrangements for changes to services around bank holidays.
- 4.2 Separate arrangements have applied in Scotland for some time. These include an additional requirement for operators to notify the local authority within whose area the services will operate 14 days before submitting any application to the traffic commissioner to register a service, change or cancel an existing service.
- 4.3 The current requirements for registration in England and Wales have been in place for many years, and there are several aspects of these arrangements where there might be a case for reform. During the course of the consultation on the Local Transport Bill, Ministers made certain commitments to review the notice periods in the regulations, both generally and in particular circumstances, including the 14 days prior notification for local authority.

#### *Advance notice to local authorities*

- 4.4 We are interested in views on the case for introducing a 14 day rule, similar to that which applies in Scotland, in England and Wales. Some of the benefits of this approach would include:
  - more scope for local authorities to ensure the travelling public are given reliable, up-to-date information about services in their areas;

- an opportunity for errors or discrepancies in applications to be dealt with before they are submitted to the traffic commissioner;
- an opportunity for the local authority to discuss potential concerns with the operator (e.g. if a registration is thought likely to breach a traffic regulation condition);
- in the case of a proposed service withdrawal, a more realistic opportunity for the local authority to consider making arrangements for alternative services to be provided in its place.

4.5 At the same time, it is acknowledged that the additional notice period could have some negative impact on operators' flexibility to respond to changing commercial conditions.

4.6 We would welcome views on the merits of this option and, in particular, evidence of any other benefits and adverse impacts arising from this feature of the Scottish system.

#### *Minimum period of operation for newly-registered services*

4.7 Another feature of the Scottish system is that a newly-registered service must normally be provided, without variation, for a minimum period of 90 days. Provision is made for this rule to be relaxed in genuinely exceptional or unforeseen circumstances, with the traffic commissioner exercising discretion as to whether to relax the requirement in individual cases.

4.8 The main benefit of this approach is that it provides a greater degree of stability of service provision for passengers. However, there is a potential risk that being tied in for a minimum of 90 days could deter an operator from starting an experimental new service where the level of demand is highly uncertain. It could be a particular barrier to innovative approaches such as "taxi-bus" services, where commercial viability could be uncertain. Therefore, achieving a fine balance between service stability for the travelling public and commercial flexibility for operators would be vital.

4.9 We would welcome views on the merits of requiring a minimum period, including the potential impact of any such requirement, and whether 90 days might be an appropriate period, considering operators' need to respond quickly to changing market conditions. Evidences available have indicated that the '90 day rule' has proven to be beneficial in Scotland, in ensuring that services are stable while at the same time allowing for flexibility in unforeseen circumstances.

#### *Notifying passengers of service changes*

4.10 There is also a requirement in Scotland for operators to place notice of any proposed variation or cancellation on vehicles for a minimum period of 21 days. This ensures that the information is brought to the direct attention of those who are most likely to be affected by the proposed changes to the service. This would involve some compliance costs on the part of operators.

4.11 We invite views on the benefits of this approach and some indication of compliance costs.

#### *Variation of services around bank holidays*

4.12 Service variations around bank holidays generally impact on the public's ability to travel freely around these periods, more so because these variations occur across modes. The holiday periods as defined in the current regulations are somewhat generous<sup>1</sup> with the effect that, at Christmas and Easter in particular, services may be altered over a two week period without making an official variation to the registration. Operators are instead required to send notice of the intention to vary the service to the local authority and traffic commissioner no later than 21 days in advance. In practice, this means these changes are not published and the travelling public have little notice of service changes which affect them.

4.13 The Department has a longstanding commitment to review the requirements relating to service changes at and around

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<sup>1</sup> In England and Wales a service can be changed without varying the registration in respect of any journey in a week which includes 24th December, Christmas Day, Good Friday or any bank holiday.

bank holiday periods following the recommendations of the Task and Finish Group of the Bus Partnership Forum. We are considering two particular proposals - tightening the definition of a holiday period, and standardising the period of notification to match that which applies the rest of the time.

4.14 We seek views on changes to redefine the periods during which a service may be varied without formal variation of the registration (and hence with no fee being payable) as follows:

- any day from December 24<sup>th</sup> to New Year's day inclusive;
- any day from Maundy Thursday to Easter Monday inclusive, and;
- any other bank holiday and any Saturday or Sunday immediately preceding a bank holiday.

4.15 We would welcome views as to whether 56 days notice of changes to services in these periods should be required, rather than the current 21. The main advantages of this would be longer period of notice of changes to services which would enable transport authorities, planners and travel information services such as Transport Direct sufficient time to communicate these changes to the travelling public for planning their journeys around bank holidays.

4.16 We would also welcome views on the value of making similar changes to bank holiday service notice period for community bus services, requiring 28 days notice rather than the current 21, thereby bringing this in line with notice period for community bus services generally. In addition to some of the above mentioned advantages, this would also ensure consistency in that both 'conventional' and 'community bus' operators would end up with their 'usual' notice period applying at bank holidays.

4.17 The Department recognises operators' need to respond to the needs of the travelling public and the challenges of finalising timetable changes in advance, particularly in synchronising their services with major retail stores' opening hours, with retailers often making short notice announcements about opening and closing times during bank holiday periods. However we think that these changes

provide the scope for better forward planning and closer collaboration between local bus operators and retailers. We understand that many operators are already notifying changes to their services around bank holidays 56 days in advance, so are in effect doing, as a matter of good practice what is now being proposed. We would welcome views on whether or not these changes are desirable and useful, and whether they should apply to all bank holidays or only at Christmas.

### *Rail replacement services*

- 4.18 There is currently some inconsistency in the legislation which applies to alternative bus services provided when a rail service is temporarily interrupted and the requirement for such services to be registered as local services with the Traffic Commissioner. The primary legislation provides that rail replacement services procured by the appropriate national authority<sup>2</sup> are exempt from the registration requirements.
- 4.19 However, in many cases rail replacement services are procured by the Train Operating Companies (TOCs) themselves when they are temporarily unable to run their trains, rather than the relevant national authority and so are unable to take advantage of the exemption. However, the effect of the Public Service Vehicles (Registration of Local Services) Regulations 1986<sup>3</sup> (“the 1986 regulations”) is that “bus substitution services” must be registered, although no notice period applies. The definition of “bus substitution services” is also now out of date. In practice, it is our understanding that TOCs do not register rail replacement services as to do so would be impracticable and in neither passengers’ nor operators’ interests.
- 4.20 We seek views on whether the 1986 regulations should be amended so that no notice period would be required for any service for the carriage of passengers by road, which is provided as an alternative to the whole or part of a railway passenger service that has been discontinued, reduced or modified temporarily. That would include all such services,

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<sup>2</sup> The Secretary of State for England and the Welsh Ministers for Wales.

<sup>3</sup> S.I. 1986/1671.

whether procured by the appropriate national authority or the TOCs.

- 4.21 Amending the primary legislation to exempt all such services from the requirement to register would take a considerably longer time to achieve. However, we would welcome views as to whether the Department should seek an appropriate legislative slot to make such a change. The benefit of this approach is that it would enable TOCs to arrange temporary replacement services by bus without the need to register them.

### *Publication Regulations*

- 4.22 We think that some changes to the publication regulations would be useful. The Schedule to the 1986 regulations, which prescribes the registration particulars, has been amended several times, most recently in 2004. The Schedule no longer requires an operator to specify the 'type of vehicle' when applying to register a service. So this information is no longer included in any such application.
- 4.23 However, the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986 (SI 1986/1629) still list 'type of vehicle' as part of the information which the traffic commissioner must publish in respect of every registration. In practice traffic commissioners do not publish this information because it is not given to them by the operator. We think it would be sensible to amend regulation SI 1986/1629 accordingly to provide consistency. This would be without prejudice to the requirements of the Public Services Vehicle Accessibility Regulations 2000. We welcome your views on the merits of this.

## **5. Bus contracts '*De minimis*' provisions: reducing administrative costs for local authorities and bidders for service contracts**

- 5.1 In order to secure the provision of a local bus service that would not otherwise be provided on a commercial basis by

bus operators, local authorities in England (outside London) may offer a contract for the provision of the service, usually after a competitive tendering process. This mechanism has enabled authorities to ensure that access to public transport is maintained and enhanced for a great number of people, particularly those without access to a car living in the areas that would otherwise have limited public transport services. Currently around 20% of the total local bus service mileage in England (outside London) is supported by local authorities – the remainder being operated on a wholly commercial basis.

- 5.2 The current domestic *de minimis* limits, which set a financial ceiling below which authorities may procure services without undertaking a competitive tendering procedure, provide less flexibility than those prescribed in EU legislation. DfT has been considering the merits of the case for changing the domestic *de minimis* limits or moving towards the EU levels. We would welcome views on the following three options:

Option A: Do nothing

- 5.3 Leaving the arrangements as they currently are – this option would mean that authorities would continue to bear unnecessary cost of competitive tendering in cases where it could be avoided.

Option B: Change domestic legislation in line with EU law

- 5.4 This option would entail repealing the domestic requirements so that those prescribed in EC Regulation 1370/2007 apply (although the Regulation has direct effect, these provisions are subject to provisions in domestic legislation). This would enable full advantage to be taken of the provisions in EU law, by raising the *de minimis* threshold (and changing the way in which it applies) and give greater flexibility to authorities to enter into contracts to procure more socially necessary services and subsidising these accordingly. It would also reduce authorities' cost of competitive tendering. However this could be deemed to have the potential to limit competition for the local bus market.

Option C: Amend domestic legislation but not go as far as the EU legislation allows

- 5.5 We may choose to amend domestic legislation and settle for a more modest increase in our domestic limits without going as far as those under the EU Regulation. This option will provide more flexibility for local authorities, albeit not as much as would be possible under EU provisions. Authorities and operators will also continue to incur some costs from competitive tendering exercises which would have been avoidable if we were operating fully under the EU *de minimis* levels.
- 5.6 The Department favours option B for the reasons highlighted under that option, but would welcome views.

## **6 ‘General rules’ under EC Regulations (EC) No 1370/2007: increasing the scope for securing a better deal on fares for passengers**

- 6.1 European Regulation 1370/2007 on public passenger transport undertakings introduced the concept of “general rules”, as a means of introducing public service obligations which establish maximum fares for all passengers, or certain categories of passenger. A general rule is a measure which applies without discrimination to all public passenger transport services of the same type in a given geographical area for which a competent authority is responsible. The authority must compensate operators in a way that prevents “overcompensation”.
- 6.2 This would provide, for example, scope for a local authority to set maximum fares on bus services in their areas which are less than the commercial fare, either for all passengers or for particular groups of passengers, and to compensate operators accordingly. Of course there is already some of this going on in Great Britain by way of the “concessionary fares” schemes in England, Scotland and Wales, under which older and disabled people travel free of charge, and local concessionary travel schemes established by local authorities acting individually or jointly.

- 6.3 The effect of the EU regulation is to provide scope for local authorities to extend ‘concessionary’ travel to other groups as the authority wishes. Setting aside London, where buses operate under different legislation to the rest of the country, no local authority in Great Britain has sought to impose a maximum fare that would apply to *all* passengers and to compensate operators accordingly. But it is something that might be attractive to some local authorities willing to consider options of encouraging more people onto public transport in general and onto the buses in particular.
- 6.4 Currently, certain provisions in domestic legislation may prevent local authorities from putting in place certain “general rules” of the kind envisaged in the EC regulation. DfT would welcome views on the merits and demerits of considering whether changes might be needed to domestic legislation to enable local authorities to make ‘general rules’ beyond those that exist already and to compensate operators accordingly.
- 6.5 If no changes are made, the scope for authorities to extend ‘concessionary’ travel arrangements may be limited, thereby reducing the scope for using this arrangement to encourage more people onto the buses – which could be a useful policy option in some parts of the country if authorities are so minded.
- 6.6 We seek views on making any necessary legislative changes to enable authorities to introduce general rules beyond those that exist already and to compensate operators accordingly. This could increase authorities’ scope for influencing local travel behaviour with a range of potential benefits (tackling social inclusion, reduction in congestion, improvement in air quality and experience for other road users such as pedestrians and cyclists). It could further enhance the flexibility and choice that authorities have in the way they run local services and respond to local needs. This approach could be seen to have the potential to limit competition for the local bus market, but the government’s view is that the situation is similar to Quality Contract Schemes established under Local Transport Act 2008. Again we would welcome views.

## **7 Driver and passenger conduct: improving bus journey experience for everyone**

- 7.1 The Department is committed to improving the quality of travel by bus. The Conduct Regulations (SI 1990/1020) set out the rules and responsibilities for bus and coach drivers, inspectors and conductors, and also for passengers. Passengers are carried subject to the Conditions of Carriage; a contract between the operator and the passenger which sets out the rights and duties of each party under the contract, without prejudice to other rights and duties they might have in law.
- 7.2 The Conduct Regulations need to be updated to reflect modern legislation like the Health Act 2006 and regulations made under it, which introduced a smoking ban in all enclosed public places. We are also taking the opportunity to seek views on ways of addressing issues regarding the behaviour of passengers and staff. These issues include:
- a) Concerns of older and/or disabled passengers about drivers accelerating quickly away from bus stops, without giving them time to sit down;
  - b) Wheelchair space being occupied by prams or pushchairs thereby depriving wheelchair users' access to the bus;
  - c) Smoking, consumption of alcohol and drunkenness on the bus.
- 7.3 We would welcome views on the extent to which these issues have been a problem and the scale of the problem. There has however been growing pressure from the public and other stakeholders about how driver and passenger conduct is regulated and how these regulations are enforced, and also about the inconsistent interpretation of the regulations. Although breach of the conduct regulations is a criminal offence, many breaches are relatively minor in nature, and in practice there is very little enforcement of the regulations by the police. It appears also that in practice contravention of the Conditions of Carriage is very rarely enforced except with regard to fares.
- 7.4 DfT welcomes views on how the Conduct Regulations could be better enforced. We would particularly welcome views on

the merits of making operators more accountable for the actions of their drivers, and the merits of introducing financial sanctions against operators for persistent breach of the Conduct Regulations, following repeated complaints against particular drivers and/ or operators.

### *Consumption of alcohol on buses*

- 7.5 There have been concerns raised about consumption of alcohol on buses and the behaviour of drunken passengers. A study<sup>4</sup> commissioned by DfT in 2008 on experiences and perception of anti-social behaviour and crime on public transport, highlighted that drunk people and/ or people under the influence of drugs are some of the common reasons why people feel unsafe on buses. Dealing with passengers who are drunk and potentially aggressive could put the driver and other passengers at risk. This is why we are considering whether a ban on consumption of alcohol on buses might be useful.
- 7.6 DfT would like to hear views on the extent to which this is a problem, given that operators' Conditions of Carriage prohibit consumption of alcohol and other antisocial behaviours while travelling on the bus, and operators currently have powers to remove drunken and disorderly passengers from the bus. We are interested in views on the merits of making necessary changes to the Conduct Regulations to introduce a total ban on consumption of alcohol or carriage of opened container of alcohol on the bus. We also seek views on the scope of such a ban, and whether there are other factors to consider with regard to effective enforcement.

### *Changes to the definition of Regulated Public Service Vehicles*

- 7.7 We propose changes to the definition of 'regulated public service vehicle' in the Conduct Regulations, to include other European approved vehicles. The duties regarding disabled people which were introduced by the amendments to the Conduct Regulations in 2002, only apply with respect to the

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<sup>4</sup> National Centre for Social Research omnibus survey, published by Transport Statistics in September 2008

operation of vehicles regulated by the Public Services Vehicle Accessibility Regulations 2000 (PSVAR) SI 2000/1970. It excludes European approved vehicles which were not recognised under Schedule 1 of SI 2000/1970. Although Part 3 of the Disability Discrimination Act (DDA) applies to all transport operators, in the same way as any other service provider, so provides a framework for ensuring that operators do not discriminate against disabled people, and requires that they make reasonable adjustments to their policies, practices and procedures. It would however be useful if the proposed changes regarding behaviour of drivers and passengers could apply to all public service vehicles including the 'newer' bus fleet under the European approved vehicle scheme.

- 7.8 We think that this proposed secondary legislation provides a good opportunity to recognise the European approved vehicles in the Conduct Regulations and attach the duties and responsibilities under the regulations to these other categories of public service vehicles. The advantage of this approach, rather than relying on Part 3 of the DDA 1995, is that the Conduct Regulations impose specific duties on drivers, conductors and inspectors, with respect to disabled people rather than the general duties imposed by the DDA. We therefore think it is sensible to make the aforementioned changes and we welcome stakeholders' views.

### *Designated wheelchair space on the bus*

- 7.9 We are seeking views on further ways to ensure stricter enforcement of the duties of drivers, inspectors and conductors with regard to disabled people. Conduct Regulations set out the duties of drivers/ conductors of regulated public service vehicles with respect to passengers in wheelchairs and other disabled persons. DfT's guidance<sup>5</sup> specifies that passengers who are not disabled but are occupying the wheelchair space could be asked to move to allow a passenger in a wheelchair to board, provided that there is room for the passenger to move elsewhere on the

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<sup>5</sup> Conduct of drivers, inspectors and conductors - a guide for bus and coach staff, published by the Department for Transport © Crown Copyright 2003 Product code T/INF/874.

bus and the seating and standing capacity will not be exceeded. Drivers are also required to take reasonable steps to ensure the safety of their passengers.

7.10 The Public Service Vehicles Accessibility Regulations (PSVAR) 2000 (SI2000/1970) stipulate that there should be clear signage for the priority seat and the wheelchair space on the bus. The Department is committed to delivering transport that works for everyone. We have therefore been considering how enforcement of these regulations can be improved. Stricter compliance with the Conduct Regulations would go a long way in ensuring that the wheelchair space is available for a passenger in a wheelchair.

7.11 We therefore seek views on measures to ensure stricter compliance with the regulations in general, particularly on whether introduction of financial sanctions against operators who persistently breach any aspect of the regulations, would be useful.

### *Smoking on buses*

7.12 The Health Act 2006 and regulations made under it introduced a smoking ban in all enclosed public places and created a number of offences under the Act for failure to comply with the ban. This smoking ban applies to buses and the provisions of the Act came into force on 1 July 2007. The penalty for an offence is a fine and the level of fine for each offence is set out in The Smoke-free (Penalties and Discounted Accounts) Regulations 2007 which covers England and Wales. We propose to amend the Conduct Regulations to bring them into line with this legislation.

## **8 Conclusion**

8.1 The proposals set out in this document are designed to generate discussion and seek views on a range of measures that could enhance improvements in bus services, tighten procedures where necessary, remove risks and enhance safety and comfort. DfT welcomes stakeholders' views on these measures and would consider alternative proposals where necessary.

8.2 Comments or enquiries pertaining to matters in this paper could be sent to:-

Buses and Taxi Division  
Regional & Local Transport Policy Directorate  
Department for Transport  
Zone 3/11 Great Minster House  
76 Marsham Street  
London SW1P 4DR  
Tel. 020 7944 2514  
E-mail: [buses@dft.gsi.gov.uk](mailto:buses@dft.gsi.gov.uk)

## Consultation Questions

### **Registration of local bus services: improving the provision of reliable and up-to-date information;**

#### Advance notice to local authorities

*Question 1: Do you agree with the proposal for amending The Public Service Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671) with an additional provision requiring an operator to inform the relevant authority or authorities 14 days before making an application to the Traffic Commissioner to start a bus service, or vary or cancel an existing service? Please give reasons for your views.*

#### Minimum period of operation for newly-registered services

*Question 2: Do you agree with the proposal to introduce a 'No variation or cancellation of a registered service for 90 days' provision, and for notice of any proposed variation or cancellation to be placed on vehicles for a minimum period of 21 days? Please give reasons for your views.*

#### Notifying passengers of service changes

*Question 3: Do you agree that the proposed requirement for operators to place notice of any proposed variation or cancellation on vehicles would ensure that the travelling public are well informed about changes which affect their journeys? Please give reasons for your views.*

*Question 4: Are there other factors to consider with regard to compliance and enforcement of this proposed requirement? Please give reasons for your views.*

#### Variation of services around bank holidays

*Question 5: Do you agree with suggested changes to Regulation 9(2) of The Public Service Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671) to redefine the journeys for which a service may be varied; to substitute 56 days for 21 days as required period of notice, and 28 days for 21 days for community bus services? Please give reasons for your views.*

#### Rail replacement bus services

*Question 6: Do you agree that the Public Service Vehicles (Registration of Local Services) Regulations 1986 should be amended so that no notice period would be required for registration of temporary rail replacement bus services? Please give reasons for your views.*

*Question 7: On a long term, do you agree that exempting rail temporary replacement bus services from the requirement to register will facilitate greater effectiveness of the service? Please give reasons for your views.*

### Publication Regulations

*Question 8: Will the proposed changes to the publication regulations remove ambiguity and provide needed clarity with regard to these regulations? If not please state why and provide all the necessary supporting evidence.*

### **Bus contract ‘de minimis’ provisions: reducing administrative costs for local authorities and bidders for service contracts;**

*Question 9: What are your views regarding proposal to change the de minimis level provisions in domestic legislation in favour of EU levels? Please give reasons for your views.*

*Question 10: Which of the three options proposed are you in favour of, and why?*

### **‘General rules’ provisions re: EU Regulation EC 1370/2007; increasing the scope for securing better deal on fares for passengers;**

*Question 11: Do you have any views on proposal to make secondary legislation (under Section 91(1) of the Transport Act 1985) enabling local authority to make “general rules” to impose maximum fares on bus operators and compensate them accordingly, without going through competitive tendering? Please give reasons for your views.*

### **Driver and passenger conducts: improving bus journey experience for everyone.**

### Sanctions against repeated breach of Conduct Regulations

*Question 12: Do you agree with proposal to impose less than criminal sanctions (such as penalty fines) against operators who repeatedly violate the Conduct Regulations? Please give reasons for your views.*

*Question 13: Are there any other considerations that should be taken into account in determining appropriate and effective sanctions against repeated breach of Conduct Regulations? Please give reasons for your views.*

#### Consumption of alcohol on buses

*Question 14: Do you have any general views on the consumption of alcohol on buses? Please give reasons for your views.*

*Question 15: Do you agree with proposal to amend The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990; to introduce a ban of the consumption of alcohol and carriage of open container of alcohol on buses, in England and Wales? Please give reasons for your views.*

*Question 16: Are there any other considerations that should be taken into account in introducing such a ban? Please give reasons for your views.*

#### Changes to the definition of Regulated Public Service Vehicles to include European approved vehicles

*Question 17: Do you agree that propose changes to the definition of 'regulated public service vehicle' in the Conduct Regulations, to include other European approved vehicles is a step in the right direction? If not, please state why and provide all the necessary supporting evidence.*

#### Smoking on buses

*Question 18: Do you have any comments regarding updating the Conduct Regulations in line with the smoking ban in Part 1 of the Health Act 2006? Please give reasons for your views.*

## **General**

*Question 19: What other amendments to secondary legislation do you think might facilitate improvements to bus services? Please state why and provide all the necessary supporting evidence.*

## What will happen next

A summary of responses, including the next steps will be published by 29 July 2010 on [www.dft.gov.uk/localtransportact](http://www.dft.gov.uk/localtransportact), paper copies will be available on request.

## Impact Assessment

The Impact Assessment can be found at **Annex A**. When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible.

Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.

## Annex B

### Code of Practice on Consultation

The Government has adopted a Code of Practice on consultations. The Code sets out the approach Government will take to running a formal, written public consultation exercise. While most UK Departments and Agencies have adopted the Code, it does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law).

The Code contains seven criteria. They should be reproduced in all consultation documents. Deviation from the code will at times be unavoidable, but the Government aims to explain the reasons for deviations and what measures will be used to make the exercise as effective as possible in the circumstances.

### The Seven Consultation Criteria

1. **When to consult:** Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. **Duration of consultation exercises:** Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact:** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises:** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation:** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises:** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

7. **Capacity to consult:** Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

A full version of the code of practice is available on the Better Regulation Executive web-site at:

<http://www.berr.gov.uk/files/file47158.pdf>

If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Giada Covallero  
Consultation Co-ordinator  
Department for Transport  
Zone 2/25 Great Minster House  
76 Marsham Street  
London, SW1P 4DR  
Email: [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)

## Annex C

### List of those consulted

The list of organisations that we have sent this consultation to is given below. If you have any suggestions on others who may wish to be involved in the consultation process, please let us know.

- Amicus
- Arriva Plc
- Association of Local Bus Company Managers
- Association of Transport Co-ordinating Officers
- British Chamber of Commerce
- Bus Users UK
- Bus, Coach and Community Transport Working Group
- Campaign for Better Transport
- Campaign to Protect Rural England (CPRE)
- Chartered Institute of Logistics and Transport
- Commission for Integrated Transport
- Community Transport Association
- Confederation of British Industry
- Confederation of Passenger Transport
- DPTAC
- Federation of Small Businesses
- First Group Plc
- GMB
- Go-Ahead Group Plc
- Government Offices
- Greater London Assembly
- Highways Agency
- Institute of Directors
- Local Government Association
- London TravelWatch
- Low Carbon Vehicle Partnership
- National Express Group Plc
- National Pensioners Convention
- Passenger Transport Executives (PTEs) in Great Britain
- RMT
- SERA
- Stagecoach Plc
- Sustainable Development Commission

- Transport & General Workers Union
- Trade Union Congress
- Traffic Commissioners
- Transport for London
- TSSA
- UNISON

## Annex D: Consultation Response Form

### PART 1 - Information about you

Name	
Address	
Postcode	
email	
Company Name or Organisation (if applicable)	
Please tick one box from the list below that best describes you /your company or organisation.	
<input type="checkbox"/>	Bus operator
<input type="checkbox"/>	Community Transport Operator
<input 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"/>	Not-for-profit organisation
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
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:	
If you would like your response or personal details to be treated <b>confidentially</b> please explain why:	

**PART 2 - Your comments**

<p>1. Do you agree with the proposal for amending <i>The Public Service Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671)</i> with an additional provision requiring an operator to inform the relevant authority or authorities 14 days before making an application to the Traffic Commissioner to start a bus service, or vary or cancel an existing service?</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Please give reasons for your views:</p>		
<p>2. Do you agree with the proposal to introduce a 'No variation or cancellation of a registered service for 90 days' provision, and for notice of any proposed variation or cancellation to be placed on vehicles for a minimum period of 21 days?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>Please explain your reasons and add any additional comments you wish to make:</p>		
<p>3. Do you agree that the proposed requirement for operators to place notice of any proposed variation or cancellation on vehicles would ensure that the travelling public are well informed about changes which affect their journeys?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>Please give reasons for your views:</p>		
<p>4 Are there other factors to consider with regard to compliance with, and enforcement of this proposed requirement?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>Please give reasons for your views:</p>		
<p>5. Do you agree with suggested changes to <i>Regulation 9(2)</i></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>

<p><i>of The Public Service Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671) to redefine the journeys for which a service may be varied; to substitute 56 days for 21 days as required period of notice, and 28 days for 21 days for community bus services?</i></p>		
<p>Please give reasons for your views and add any additional comments you wish to make:</p>		
<p>6. Do you agree that the Public Service Vehicles (Registration of Local Services) Regulations 1986 should be amended so that no notice period would be required for registration of temporary rail replacement bus services?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>Please explain your reasons and add any additional comments you wish to make:</p>		
<p>7. On a long term, do you agree that exempting rail temporary replacement bus service from requirement to register will facilitate greater effectiveness of the service</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>Please explain your reasons and add any additional comments you wish to make:</p>		
<p>8. Will the proposed changes to the publication regulations remove ambiguity and provided needed clarity with regard to these regulations?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>If not please state why and provide all the necessary supporting evidence:</p>		
<p>9. What are your views regarding proposal to change the <i>de minimis</i> level provisions in domestic legislation in favour of EU levels?</p>		

Please explain your reasons and add any additional comments you wish to make:

10. Which of the three options proposed on the de minimis level provisions are you in favour of, and why?

Option A   
Option B   
Option C

Please explain your reasons and add any additional comments you wish to make:

11. Do you have any views on proposal to make secondary legislation (under Section 91(1) of the Transport Act 1985) enabling local authority to make “general rules” to impose maximum fares on bus operators and compensate them accordingly, without going through competitive tendering?

Please explain your reasons and add any additional comments you wish to make:

12. Do you agree with proposal to impose less than criminal sanctions (such as penalty fines) against operators who repeatedly violate the Conduct Regulations?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:		
13. Are there any other considerations that should be taken into account in determining appropriate and effective sanctions against repeated breach of Conduct Regulations?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:		
14. Do you have any general views on the consumption of alcohol on buses?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:		
15. Do you agree with proposal to amend The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990; to introduce a ban of the consumption of alcohol and carriage of open container of alcohol on buses, in England and Wales?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Please explain your reasons and add any additional comments you wish to make:

16. Are there any other considerations that should be taken into account in introducing such a ban?

YES

NO

Please explain your reasons and add any additional comments you wish to make:

17. Do you agree that proposed changes to the definition of 'regulated public service vehicle' in the Conduct Regulations, to include other European approved vehicles are a step in the right direction?

YES

NO

If not, please state why and provide all the necessary supporting evidence.

Please explain your reasons and add any additional comments you wish to make:

18. Do you have any comments regarding updating the Conduct Regulations in line with the smoking ban in Part 1 of the Health Act 2006?

YES

NO

Please explain your reasons and add any additional comments you wish to make:

19. Question 19: What other amendments to secondary legislation do you think might facilitate improvements to bus services?

YES

NO

Please state why and provide all the necessary supporting evidence.