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1 June 2017

# **Rights of passengers travelling by bus and coach (Regulation (EU) N° 181/2011)**

## **Report on UK activities 2015/16**

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### 1) Distribution of tasks between different NEBs

In the UK there are a variety of National Enforcement Bodies.

**Enforcement** in Great Britain is primarily undertaken by the Traffic Commissioners, a tribunal non-departmental public body, sponsored by the UK Government's Department for Transport. They are responsible for the licensing and regulation of those who operate heavy goods vehicles, buses and coaches, and the registration of local bus services. The Commissioners' role extends only to licensed bus and coach operators, and in the case of certain other bodies on which duties are placed by the Regulation (e.g. travel agents and tour operators, terminal managing bodies, and "carriers" such as Transport for London which do not operate buses or coaches directly), enforcement is undertaken by the relevant local authority's trading standards department. The position in Northern Ireland is rather different and is dealt with below.

**Complaints** are handled by a number of bodies.

In **Great Britain outside Greater London** the body handling complaints for scheduled bus and coach services and nominated coach stations is Bus Users UK, an independent not-for-profit organisation which promotes the interests of bus and coach users. Bus Users UK also handles complaints on all UK-based longer-distance scheduled services, including those into and out of Greater London and international services. Although Bus Users UK's remit does not cover complaints on local bus services within Greater London, it does deal with local and express services which run into Greater London from surrounding counties (though not cross-border Transport for London services). Bus Users UK also handles issues concerning nominated coach stations in Great Britain outside London. Currently the only nominated coach station is Birmingham Coach Station. Bus Users UK was officially registered by UK Government as an approved Alternative Dispute Resolution (ADR) Body for bus and coach passengers under the Consumer Disputes (Competent Authorities and Information) Regulations 2015 in April 2017.

In **Greater London** the body handling complaints for Transport for London's scheduled local bus services and nominated coach stations within London is London TravelWatch, an independent, statutory watchdog for transport users in and around London. London TravelWatch is appointed and funded by the London Assembly (part of the Greater London Authority), and speaks for users all modes of transport in London. Victoria Coach Station in London is a nominated coach station.

In **Northern Ireland** complaints are handled by the Transport & Resources Division of the Northern Ireland Government's Department of Infrastructure (DfI) in regard to bus and coach operators and terminals, and by the Department for the Economy in regard to travel agents and tour operators, although the two departments have agreed that DfI should act as the initial point of contact for any enquiries. Europa Buscentre, Belfast is a nominated coach station. DfI has not received any complaints under the Regulations during the period of the report, 1 January 2015 to 31 December 2016.

Complainants on scheduled services must send their complaint to the carrier or terminal operator first; the Complaints NEBs handle complaint appeals for passengers who remain dissatisfied with the outcome. In practice complaints submitted to NEBs before the carrier are forwarded to the carrier.

Bus Users UK ([www.bususers.org](http://www.bususers.org)) has compiled this report on behalf of the UK NEBs

## 2) Information and statistics on complaint handling:

Year	Number of complaints	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance):	Comments (if any):
From 1 January 31 December 2015	16	13 x discrimination (11 proved to be out of scope) 2 x express service delays (proved to be out of scope) 1 x Lost Property (proved to be out of scope)	Discrimination cases included repeated failure to pick up wheelchair users, one advocating that a disabled person who required three carers should be able to travel with three carers free of charge and one querying the number and dimensions of disabled priority seats.
From 1 January - 31 December 2016	18	4 x discrimination (1 proved to be out of scope) 12 x express service delays (9 proved to be out of scope, 1 referred to French NEB) 1x Damage to property (proved to be out of scope) 1x Lack of assistance	Discrimination cases included a driver not able to operate a wheelchair ramp as he was disabled himself, failure to pick up wheelchair users and a disabled passenger's concessionary pass being refused.

### ***In your Member State (please underline the correct answer):***

- Passengers can always submit their complaint directly to the NEB, or
- Passengers are obliged to submit their complaints to the carrier/terminal managing body etc first, and they can only submit a complaint to an NEB if they are not satisfied with the solution offered by the carrier/terminal managing body, etc (Complaints submitted direct are normally passed straight on to the carrier/terminal managing body by the NEB. Package tour regulations are different and complaints regarding these can be submitted directly to the NEB.)

### ***Do you use a complaint form at national level?***

A complaint form specific to these regulations is not used; however complaint-handling bodies do have on-line forms available for all complaint appeals, whether within scope or out of scope of the regulations.

Bus Users UK has an interactive complaint form on its website which can be used for all complaints where they come into scope of the regulations or not ([www.bususers.org/complaints/make-a-complaint](http://www.bususers.org/complaints/make-a-complaint)), and a Welsh-language version is available as well as English.

London Travelwatch also has an on-line form available at [www.londontravelwatch.org.uk/complaints/online](http://www.londontravelwatch.org.uk/complaints/online)

The Northern Ireland Consumer Council, which handles complaint appeals for a wide range of public services including bus and coach services (though is not the Northern Ireland NEB) similarly has an on-line

complaints form for complaints about all services covered (not just public transport) at [www.consumercouncil.org.uk/complaints/make-a-complaint](http://www.consumercouncil.org.uk/complaints/make-a-complaint)

***Which of the following methods of communication can be used to file complaints (please underline the correct answer or answers):***

- in paper format
- electronically (e.g. by email or via a website)
- by phone
- in person at the NEB's office (in the case of London TravelWatch)

***Did you reattribute any complaints to NEBs of other Member State? If yes, how many complaints?***

Yes, one complaint was referred to the French NEB.

***Is it possible to settle passengers' complaints via alternative dispute resolution?***

While there was no official ADR body for bus and coach passengers in the UK during the period covered by this report, Bus Users UK obtained ADR status on 1 April 2017. It is true to say however, that complaints have in practice been handled on an alternative dispute resolution basis. The complaint handling body takes the complaint to the relevant carrier or terminal operator and endeavours to negotiate a settlement that is agreeable to the complainant, normally to the extent of a reimbursement of out-of-pocket costs though sometimes with an element to cover for inconvenience or hurt.

In the case of bus services in Great Britain, though not including Transport for London local services, for complaint cases which do not fall within the remit of Regulation (EU) N° 181/2011 Bus Users UK has redress to the Bus Appeals Body which can issue a decision on the case. This is not legally-binding but is usually accepted by the carrier/terminal managing body: if not the Traffic Commissioner can be informed and may take appropriate action.

***If an NEB takes a decision based on a complaint, will this decision be binding for the complainant and the carrier, terminal manager etc against whom the complaint was made?***

Under UK Statutory Instrument 2013 No. 1865 'Road Traffic', the Traffic Commissioners (or, where relevant, a local authority's trading standards department) can issue an Improvement Notice to any carrier under their jurisdiction for failure to comply with the regulations. In the event of non-conformity with the Improvement Notice the Traffic Commissioners (or local authority) can impose conditions on the carrier's licence or impose a fine not exceeding £550 per vehicle permitted on the operating licence or 10% of the annual turnover for companies which are not licensed carriers.

***Do you have any information about the number of complaints that passengers submitted to carriers, terminal managing bodies, ticket vendors etc operating in the territory of your Member State since 1 January 2015? (If yes, please indicate the number of those complaints.)***

Given the very dispersed nature of bus and coach operation in the UK and the fact that most services are provided commercially by private-sector operators, many of whom consider such information commercially sensitive, it has not proved possible to gather meaningful statistics for this question.

### **3) Information and statistics on sanctions:**

No sanctions were imposed on UK carriers or terminal management bodies during 2015 or 2016. Complaints were addressed by operators to the satisfaction of complainants without the need to impose sanctions.

## 4) Other actions in order to ensure the correct application of the Regulation:

***How do you monitor that carriers, terminal managing bodies, ticket vendors etc respect the Regulation? Do you organize inspections?***

Both Bus Users UK and London TravelWatch have undertaken formal inspections of designated terminals (Birmingham Coach Station and London Victoria Coach Station) which have resulted in improvements in information displayed regarding the regulations. Regular inspections take place on a six-monthly basis.

In Wales and Scotland Bus Users UK employs Bus Compliance Monitors to undertake monitoring of schedule adherence and general service quality of carriers which includes items required under the regulations. No funding is available for similar arrangements for England.

***Do you cooperate with organizations representing passengers, disabled people or consumers, consumer authorities or other national authorities? (if yes, please specify)***

Bus Users UK acts as a support and liaison service for local bus user groups and encourages the development of new groups. Bus Users UK and London TravelWatch cooperate with a number of organisations for elderly and disabled people in the daily course of their activities and both liaise regularly with relevant local authorities and National Government, including Welsh and Scottish Governments as well as UK Government in the case of Bus Users UK. Welsh and Scottish Governments require Bus Users Cymru and Bus Users Scotland respectively to meet certain targets.

***Do you cooperate with NEBs in other Member States (common handling of complaints, common inspections, etc)? (if yes, please specify)***

Yes, we have co-operated with the French NEB regarding one case where the reported journey took place entirely in France. Bus Users UK attends NEB meetings on behalf of all UK NEBs enabling informal networking with other NEBs, and as our closest neighbour facing similar issues has informal arrangements for cooperation with the Irish NEB.

***Have you taken any action to disseminate information about bus and coach passenger rights? (If yes, please specify)***

Bus Users UK has comprehensive information about the regulations on its website and has previously included briefings in its quarterly stakeholder magazine, Bus User. It has also undertaken seminars with carriers in Wales, and has produced a video presentation which can be used for other operators.

Bus Users UK has signed up to be an active supporter of the regulations and as such has mentioned the rights in Facebook and Twitter postings on social media. Bus Users UK has spoken at carrier events highlighting the regulations.

The fragmentary nature of implementation in the UK as a result of the widespread exemptions has hampered NEBs' ability to communicate the regulations in a meaningful form to passengers in general.

At the request of London TravelWatch, a summary of the provisions of the Regulation relevant to users of local bus services and coach terminals in London is now included on Transport for London's website (<https://tfl.gov.uk/corporate/terms-and-conditions/bus-and-coach-passenger-rights>) and similar information is displayed on posters at Victoria Coach Station.

***Article 11 of the Regulation provides that "In cooperation with organisations representative of disabled persons or persons with reduced mobility, carriers and terminal managing bodies shall, where appropriate through their organisations, establish, or have in place, non-discriminatory access conditions***

***for the transport of disabled persons and persons with reduced mobility. The access conditions provided for in paragraph 1, including the text of international, Union or national laws establishing the safety requirements, on which these non-discriminatory access conditions are based, shall be made publicly available by carriers and terminal managing bodies physically or on the Internet, in accessible formats on request, in the same languages as those in which information is generally made available to all passengers.” How this provision has been implemented in your Member State?***

The UK is well-advanced in ensuring all vehicles are accessible. The Public Service Vehicle Regulations 2000 (PVSAR) required that all single-decker vehicles met comprehensive accessibility requirements by 2016 and all double-decker buses by 2017. All coaches will be fully accessible by 2020. Publication of terms and conditions under which carriers meet their obligations in these respects is rather sporadic, though some of the major operating groups have information available on their websites for users with reduced mobility. These are aimed at being easily understood and do not generally go into detail about the legal framework supporting their policies.

### **Additional Questions:**

***Could you briefly describe the bus and coach market in your Member State? (If you have any data on the importance of bus and coach transport in public transport, the volume of passengers transported, please specify.)***

Buses and coaches represent some 5% of the total passenger/kilometres travelled in Great Britain in 2015. 39billion passenger/kilometres were travelled by bus and coach, out of a total of 794billion passenger/kilometres travelled by all modes. 78billion passenger/kilometres were travelled by rail (including Underground, light rail and metro). However bus and coach carried substantially more passengers than rail did, with 5.309billion passenger journeys made in 2015/16 compared with 3.337billion journeys by all rail modes over the same period.

The UK local bus service (except for those in London and Northern Ireland) and express coach network is currently provided by private-sector operators at their own commercial risk. In 10 urban centres the principal operator is wholly-owned by the local authority. These include Edinburgh, Cardiff, Newport and Reading, though most are in smaller towns. They function in the same way as private-sector operators. Nottingham is 18% owned by Transdev.

Local authorities are able to provide support to ensure non-commercial but socially-necessary local services are supplied, although funding for this is under increasing pressure, putting such services at risk. Around 85% of mileage in Great Britain, excluding London, is provided without support from local authorities, other than reimbursement for carrying older and disabled passengers free of charge. This proportion has increased substantially between 2014/15 and 2015/16 due to reductions in local-authority spending on bus services, in line with cuts in local authority budgets overall. As recently as 2009/10, 24.2% of local bus mileage received financial support from local authorities; by 2015/16 this figure had fallen to 15.2%.

Competition between carriers over the same routes is permissible. Operators are licensed by the Traffic Commissioners, a tribunal non-departmental public body, sponsored by the Department for Transport. The eight regional Traffic Commissioners oversee safety, engineering compliance, financial stability, reputation and service compliance and can call operators to Public Inquiry. Operators of local services are required to register local bus services and service changes with the Traffic Commissioners, though services themselves are not subject to licensing. Longer-distance express services, excursions and tours do not need to be registered.

The Bus Services Act 2017 gives local authorities increased powers to take over the specification and funding of bus services under certain circumstances. It is possible that the percentage of commercially-provided bus services and the extent of competition will reduce in coming years, as certain local authorities choose to suspend the current deregulated regime in their areas. The Act also increases the scope for partnership working between bus companies and local authorities within the deregulated framework.

Different arrangements apply in London and Northern Ireland. In London, Transport for London (which is under the policy direction of the Mayor of London) specifies all bus services and offers them out by a

tendering process to individual bus companies. Although operators compete for contracts to run services, there is no on-the-road competition and passengers are Transport for London's customers, paying for their travel on a flat fare using Oystercard smartcards or contactless bank debit cards, or by using concessionary passes provided for children and senior citizens.

In Northern Ireland, the Department for Infrastructure is responsible for licensing bus operators and their services. Unlike the rest of the UK (outside London) the Department can refuse to grant a road service licence if it is satisfied that granting the licence or services would cause significant adverse impact on existing operators or services, contrary to the wider interests of passengers.

Public investment in Greater London's bus service and the introduction of congestion charging in Central London in 2000 has led to a substantial increase in bus use in London in the 21st century, and at the same time bus use in Britain's other Metropolitan areas has seen a declining trend. Over the last two years bus use in London has also started to decline, apparently due to increasing traffic congestion leading to longer journey times. In the 12 months up to September 2016 2.3billion journeys were made on London buses, a decrease of 3% over the previous year, while those in other Metropolitan regions fell 2.5% to just 971million, despite their combined populations being greater than that of Greater London, and in most cases with fewer rail alternatives. This total compares with nearly 3billion journeys in metropolitan areas outside London in 1970. 1.775billion passenger journeys were made in the rest of Great Britain, a combination of local journeys in smaller regional towns and cities, rural areas and interurban journeys. Together these give a total of just over 5billion passenger journeys in Great Britain as a whole, compared with 5.25billion in our previous report.

There are approximately 2.6million timetabled local bus services per week in England, a reduction of 0.1million since our last report, operated by around 690 carriers, a large decrease on the 830 in our last report. The attrition rate amongst smaller, independently-owned operators has been substantial, with some notable failures of small and medium-sized companies. This is due to a variety of causes, but smaller operators tend to be more dependent on gaining local authority contracts for supported services, and the considerable reduction in local authority support for bus services is a major factor in the demise of some of these. Most of the losses in service have been in rural areas. Outside London, the largest three bus operators, Stagecoach, First and Arriva, run 56.2% of local bus services in Great Britain.

National Express remains the largest operator of scheduled long-distance coach services in the UK. It links more than 900 destinations across the country. National Express is also the UK partner in Eurolines, which serves 450 destinations across Europe. Stagecoach's megabus.com competes with National Express on major routes in the UK but Stagecoach recently sold its interests in megabus operations into mainland Europe. In Scotland, the major scheduled coach operator is Scottish Citylink. In Northern Ireland the main express carrier is Translink subsidiary Goldline, with Bus Eireann operating into Northern Ireland from the Republic of Ireland. The express coach market receives no subsidy and is entirely commercial; services in Great Britain are deregulated and competitive.

Figures come from the Department for Transport's annual bus statistics; statistics for long-distance coaches are not published (National Express information from National Express group Annual Report, which does not quote passenger figures).

***Are you aware of any recent study made on the topic above? (If yes, please specify.)***

No. Statistics are published by UK Government on [www.gov.uk/government/collections/bus-statistics](http://www.gov.uk/government/collections/bus-statistics)

***Articles 2(4) and 2(5) of the Regulation allow Member State to give exemptions from the application of the Regulation for regular domestic services and regular services where a significant part of the service is operated in a third country. If your Member State apply (one of) those exemptions, do you know how much percent of the number of regular services are covered by those exemptions?***

The UK applies all possible exemptions. Local services are not affected by the exemptions, though the application of the regulations to them is limited. Similarly, beyond those articles applicable to all services, the entire domestic express services is exempted, which leaves only cross-border services in excess of 250km entirely within scope, and of these services from London to Zurich and Geneva are exempted. We would estimate that no more than 1% of all scheduled services are cross-border services in excess of 250km. The only land border within the UK is that between Northern Ireland and the Republic of Ireland. Eurolines is the main provider of international coach services from the UK, and although it provides an extensive network into mainland Europe this may be less than in other European countries where cross-border travel is more straightforward. There is greater similarity with mainland Europe in Northern Ireland, with a number of cross-border services between Northern Ireland the Republic of Ireland, although none of the main carriers' services exceeds 250km.

***Are there organisations representing carriers in your Member State? If yes, could you indicate the name of these organizations?***

The Confederation of Passenger Transport UK is the main bus and coach company trade association for Great Britain ([www.cpt-uk.org](http://www.cpt-uk.org)). The Association of Local Bus Managers (ALBUM) is a forum for mainly municipal and smaller operators to exchange best practice among its members and to influence policy, for the promotion of high quality services. ([www.albumbus.co.uk](http://www.albumbus.co.uk)). Many Northern Ireland operators are members of the Federation of Passenger Transport Northern Ireland ([www.fptni.org](http://www.fptni.org)).

***Are there any passenger organizations or organizations representing persons with disabilities in your Member States active in the field of bus and coach passenger rights? If yes, could you indicate the names of those organisations?***

Bus Users UK represents bus and coach passengers in Great Britain outside London, and handles all complaint appeals outside London. Transport Focus, a Government-funded statutory organisation, produces bus passenger satisfaction surveys and other evidence-based research.

London Travelwatch represents all transport users, including bus passengers, within Greater London. All of its working papers contain a section relating explicitly to the implications of their content for passengers with disabilities.

A number of disability organisations include public transport in their overall remit. Guide Dogs, a charity principally concerned with visually impaired people, and The Royal National Institute of Blind People in particular have been campaigning for the compulsory fitting of audio/visual next-stop information systems on buses.