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1 June 2015

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

**Report on UK activities 2013/14**

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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 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 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 membership 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.

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 funded by the London Assembly, and speaks for London transport users on all modes of transport. Victoria Coach Station in London is a nominated coach station.

In **Northern Ireland** complaints are handled by Northern Ireland Government's Department of the Environment — Road Safety and Vehicle Regulation Division in regard to bus operators and the Department for Regional Development (DRD) in regard to bus terminal managing bodies. Europa Buscentre, Belfast is a nominated coach station. DRD has not received any complaints under the Regulations during the period of the report, 1 March 2013 to 31 December 2014.

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.

Any complaints of non-compliance with **package travel** rules are dealt with separately by local authority **Trading Standards** departments in England, Scotland and Wales, and by the Department of Enterprise, Trade and Investment in Northern Ireland.

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 March 2013 – 31 December 2013	0		
From 1 January - 31 December 2014	4	3 x discrimination; 1 x express service delays (proved to be out of scope due to UK exemption)	Discrimination cases included one repeated failure to pick up a wheelchair user, successfully resolved with the operator, one over a pass considered discriminatory and one testing whether the UK's concessionary pass system for older people was discriminatory: it was considered by Bus Users UK, the Traffic Commissioner and DG-MOVE not to be.

*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 NEBs office

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

No

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

While there is not an official ADR body as such in the UK, complaints are 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.

UK government is still reviewing how best to apply the EU directive on ADR to the public transport industry

*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 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 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 March 2013? (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 2013 or 2014.

### **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, or are in the process of undertaking informal inspections of designated terminals and will be requesting more formal inspections in due course. There is further work to be done in educating carriers about the regulations, after which further inspections will be undertaken. 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. There are no 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)*

We have not found particular need to cooperate with NEBs in other Member States as yet, though 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 including 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.

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.

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, with deadlines expiring shortly by which all vehicles of particular types have to meet comprehensive accessibility requirements. 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.)*

The UK local bus service and express coach network is for the most part provided by private-sector operators at their own commercial risk. 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. 81% of mileage in England, excluding London, is provided without support from local authorities, other than reimbursement for carrying older and disabled passengers free of charge. Competition between carriers over the same routes is permissible. Operators are licensed by the Traffic Commissioners, who oversee safety, engineering compliance, reputability and service compliance, and operators of local services have 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.

Different arrangements apply in London and Northern Ireland. In London the Greater London Assembly's Transport for London specifies all bus services and offers them out by a tendering process to private-sector 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, usually paying for their travel on a flat fare using Oystercard smartcards or bank debit cards.

In Northern Ireland, the Department of the Environment 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.

In the rest of the UK legislation allows other local authorities to apply for similar powers to those used in London; so far no powers have been granted but some of the major urban conurbations in the North of England are actively pursuing the possibility, and the current Government is expected to give some of those regions powers over local services which would include the ability to franchise the local bus network.

A number of factors including public investment in Greater London's bus service and the introduction of congestion charging in Central London in 2000, along with greater devolved authority in London, have led to substantial growth in bus use there. In the 12 months up to September 2014 2.4billion journeys were made on London buses, 1.01billion on buses in other Metropolitan regions and 1.84billion in the rest of Great Britain (a total of 5.25billion in Great Britain as a whole). Those compare with 1.8billion for London, 1.07billion for other Metropolitan regions and 1.76billion for the rest of Great Britain in 2004/05.

London's population increased by around 1million in that 10-year period. Other Metropolitan areas have experienced some population decline, but this is beginning to reverse and is expected to continue to do so as UK Government pursues policies to reinvigorate city regions in the north of England. A significant factor in the growth in bus use has been the introduction of free off-peak travel for those aged 60 or over and people with disabilities, but the impact of this will diminish as the qualifying age is raised in line with an increase in the statutory age of retirement.

There are approximately 2.7 million timetabled local bus services per week in England, on around 14,000 distinct routes, operated by around 830 carriers. The 'Big 5' operators, Stagecoach, First, Arriva, Go Ahead and National Express run 67% of local bus services. Overall, over a quarter of services run in London; outside London nearly 90% of services are in urban areas. The number of services is noticeably lower on Sunday, though the reduction is smaller in London and greater for rural services. On Sundays, more than 40% of services run are in London.

National Express is the largest operator of scheduled coach services in the UK. It links around 1,000 destinations across the country. National Express is the UK partner in Eurolines. Stagecoach's megabus.com competes with National Express on major routes in the UK and now operates into 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)). 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.

A number of disability organisations include public transport in their overall remit. Guide Dogs, a charity principally concerned with blind 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.