

Response to Transport Select Committee on the Health of the Bus Market

Background

At Bus Users UK, our mission is to bring people and communities together, through socially inclusive transport.

Bus Users is an approved Alternative Dispute Resolution (ADR) Body for bus and coach passengers, and the nominated body for dealing with complaints under the European Passenger Rights Regulation 2013 / (The Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) (Amendment) Regulations 2017). Bus Users UK Charitable Trust is a Registered Charity number 1178677 and a Company Limited by Guarantee Registration Number: 04635458

We have worked closely with the Department for Transport to advise on passenger rights, the passenger involvement aspects of the Bus Services Act 2017, the detail of the proposed Accessible Information Regulation and all other matters where input on behalf of passengers is needed.

We deal with complaints from bus and coach passengers and work alongside communities to try to make the case for continuing subsidy and service provision. We also hold regular events in rural and urban settings to enable residents to make local transport providers and policymakers to understand their needs and the impact of poor transport on people at risk of social exclusion.

The need for good public transport is core to our rationale for responding to this call for evidence as we have seen the enhancement of communities which have good services and the devastation caused by the withdrawal of services seen all too often as a lifeline of large sections of any community. It is no exaggeration to say that the health of the bus market is key to the health of the community and is the main driver in combating social exclusion throughout the UK. It deserves to have far more attention paid to its benefits and challenges than usually seems to be the case so Bus Users UK warmly welcomes this Inquiry.

1 Effectiveness and ambition of Department for Transport policy on buses

From a passenger perspective, policy seems to focus on specific details, possibilities and legal constraints rather than on ensuring that bus services are made available across the country and serve the needs of the local community.

It is to be hoped that both this call for evidence and the publication of an Inclusive Transport Strategy signals a change in direction to enable a wide-ranging, effective and ambitious policy and national strategy for buses to be developed, as this is desperately needed.

A new policy and overarching strategy would be expected to put the needs of people and communities at their heart, rather than as a secondary and optional consideration.

It is unhelpful to have Transport policy separated from the other departments, given the role of the bus in ensuring communities have access to housing, health services, economic development/survival opportunities, rural community hubs, social welfare services and environmental improvement measures, such as cutting congestion and improving air quality. This lack of cross-departmental links could result in isolated communities, social deprivation and rural depopulation, as well as increasing congestion and pollution problems.

It is also unhelpful to have a regulatory environment where the needs of the consumer are not required to be taken into account, let alone paramount, as in most other regulators' guidance. The impact on consumers of the slow and often cumbersome administration of bus registration and changes can lead to service withdrawals at very short notice, small operators leaving the field altogether and disastrous results for the areas they serve.

2 Factors affecting bus use, including reliability of the bus service, congestion, and the ways bus companies are dealing with congestion, and the effectiveness of bus priority measures

Bus reliability and punctuality are in the top three complaints about buses every year and poor performance on either or both is the reason many people give up on or don't try to use buses, yet there is no independent compliance monitoring in place in England.

Bus companies are expected to self-monitor, which is not a major problem for the larger and more reputable companies, but regular compliance monitoring is required to find the operators who are not complying and are, knowingly or otherwise, flouting the regulations. This can also be used to point out serious problems in the infrastructure network which the Highways Agency or Local Authority should be dealing with in a joined-up approach.

This system works well in Scotland and Wales, where compliance monitoring is carried out under contract to the Welsh and Scottish Governments by people who can give evidence at Public Inquiries as needed. In England, DVSA is expected to carry out monitoring where problems are reported despite their staffing being reduced and their main focus being rightly on safety issues. Bus Users UK would welcome the chance to carry out compliance monitoring in England on behalf on the DfT as we do elsewhere in GB to ensure an independent compliance function is provided.

Congestion is an issue which affects bus operation and requires them to have spare buses on standby in order to maintain their timetables, wherever possible. Other methods include slowing the timetabled journey times or reducing the advertised frequency, all of which have negative impacts on passengers and operators see decreases in revenue and increased costs. This pushes some services to the brink of viability and passengers lose the more marginal services. Congestion is therefore the number one enemy of the passenger, as well as the community, the economy, and the air quality.

Clearly, late running is a problem for passengers if they have no access to information of any description to tell them what is happening. (See response to Open Data consultation). However, as operators try to fill the gaps in services in many cases, passengers are often not aware of the problems faced, though the increased cost of such measures will eventually trickle through to ticket

prices if the problems are not resolved. Again, passengers in rural areas are most likely to be hit by cancellations caused by congestion elsewhere on the route.

Congestion is not, however, the most compelling factor in the individual's decision to travel by bus as congestion also delays most of the alternatives.

More fundamental to whether there is demand for public transport or not, are the levels of local economic activity, employment and training opportunities, housing growth within an area which links housing development with infrastructure provision, educational establishments, etc. Only if there is adequate demand to make bus transport viable does the impact of congestion have an impact as, if there are no buses, congestion is irrelevant.

Once demand is established, and it is adequate in volume, then reliability is one factor which will have an impact on demand. Other such factors are accessibility to the service such as accessibility in terms of the vehicle, the infrastructure, the availability of information and the economic choice to ride, as well as the attitude of the driver attitude and facilities offered.

While all these factors are of interest and importance to passengers and potential consumers, there is a need first of all to support the provision of buses as a viable choice for all communities and make it relatively straightforward to enter into the bus market and stay there, even for small-scale operators. Unless more energy is put into ensuring there is a vibrant bus market in the UK, the longed-for holy grail of modal shift cannot be achieved.

Bus priority measures are effective but they don't need to be always highly visible ones to be so. Bus lanes create the most headlines and are unpopular with local politicians, who generally do not use buses themselves, and are a visible message to people queuing in cars that there is another way to travel. This has led to decisions being taken, especially in city regions such as Liverpool, to remove bus lanes altogether. As all traffic planners know, this provides a short-term gain for private motorists but encourages other motorists to fill up the space created, either through transferring from more congested routes or by encouraging new motorists onto the road, and the problem returns to the starting point.

However, there is a wide range of bus priority measures available and have been shown to be successful in helping buses meet their timetabled running times and moving people from cars to buses. "Bus priority at traffic signals contributes directly to policies of improving bus services and encouraging modal change."¹

One of the key factors in gaining acceptance of bus priority schemes of any kind is ensuring the scheme, its benefits and practicalities like operating hours are communicated properly and well in advance, ensuring maximum compliance and minimising nasty surprises for residents. "Improving communication about how a road can be used once a project has been implemented (and how a project will be enforced) can help avoid unauthorised activity on bus lanes".² Good practice in designing and implementing bus priority schemes already exists and these should be accessed by transport planners when considering how they can encourage mechanisms which will speed up public transport and reduce congestion and pollution.

Unpalatable as it may be, the reduction of private car use is a priority in the UK if the double-edged sword of congestion and pollution is to be successfully combated and this cannot be done if public

¹ Transport Research Laboratory, Uni of Southampton 1999 TRL 413 Evaluation of Southampton Bus Priority Scheme

² Transport Strategy Centre, Imperial College London, 2017 Identification and Management of Bus Priority Schemes

transport, which in most cases means the bus, is not made the centre of the strategy that is needed to make this happen.

3 The provision of services to isolated communities in rural and urban areas, and the reliance of particular communities and groups of people on bus services

Particular groups of people rely on bus services more than others. They can be characterised as:

- a) Young people, pre-driving age, mostly associated with journey to school, training or weekend jobs
- b) Young adults, often increasingly now choosing not to either learn to drive or own a car
- c) Younger adults going out in groups for social or leisure activities
- d) Adults or families with insufficient disposable income to own and use a car
- e) Adults who have lost their driving licence for one of the 182 current medical reasons listed by DVLA³
- f) Adults who have temporary suspensions to their driver's licence
- g) Older people with cars who make optional trips by bus using free bus passes
- h) Very elderly people for whom the bus is the only form of mobility and contact with other people

The reliance that each group of people has on bus services will differ, as it will between urban and rural isolated communities. Based on the analysis above, those in groups a, d and h are most impacted by standards and levels of service provision whereas those in b, c, e, f and g are less so, not least because statistics suggest the majority will have or could choose to have access to private cars or taxis. However, a good quality bus service which is attractive to them also serves the more vulnerable groups better as well, so growing their use benefits the whole of society in a way that targeting only the more vulnerable does not.

The provision of services to isolated communities is increasingly fragile, as local authorities reduce expenditure especially in this budget heading. It is not a statutory requirement, although it is generally assumed that the original legislators would not have envisaged a situation in which a local authority would consider a social need, understand the devastating impact of not providing it and choosing not to do so. As the legal requirement⁴ is only to **consider** the social implications of reduced or no bus services, more and more Local Authorities are choosing to target their resources elsewhere and shrug their shoulders at the problems left behind, until the Adult Social Care budget has to be increased to deal with the consequences. This is an untenable situation and the requirement could swiftly be reworded in order to make it a statutory duty, a change which would be welcomed by many Local Authorities.

The model of provision of bus services is increasingly now making delivering services to isolated communities more fragile too. As funding has reduced, so regulatory cost pressures, especially those concerning Community Transport operators, have increased. This is causing unprecedented problems for those attempting to provide any kind of transport service for isolated communities, especially rural ones and has increasing potential to cause real social isolation with attendant health and welfare consequences.

We would suggest that it would be timely to trial a new model of provision in selected geographical areas, reducing the more onerous regulatory barriers for a period to encourage new providers in the

³ <https://www.gov.uk/health-conditions-and-driving>

⁴ Section 63, 1985 Transport Act <http://www.legislation.gov.uk/ukpga/1985/67/section/63>

chosen areas. Radical though it may sound, the community interest or cooperative model has had many successful examples in the public house trade and community shop/post office operations.⁵

Using a not-for-profit model such as a social enterprise, community cooperative or Community Interest Company could develop a new style of community-based transport provision. This would offer a new option which addresses the safety and driving competence concerns of mainstream operators, while also limiting the opportunities to become a direct competitor to a commercial operator, an area of concern often expressed.

DfT could also model the social and economic impacts in an area which has had a complete withdrawal of bus services, look at any new model(s) in practice and publish and use this to inform its bus strategy.

We also believe it would be in the interests of communities if DfT would make special provision for local authorities to take temporary control of service provision in an area where there is wholesale withdrawal by commercial operators, with the regulatory authorities tasked with ensuring that sufficient discs are available in a timely manner to plan and deliver replacement services. This would serve to reassure communities whose residents fear the complete loss of transport options when a main operator announces a large withdrawal of service.

4 The viability and long-term sustainability of bus services, including the effectiveness of funding, fare structures and public grants

The extent of decline in provision this decade is unprecedented and runs completely counter to stated policy and targets in air quality improvements. Fewer buses means more private traffic using fossil fuels and increased congestions. Crucially, this means that communities and people are suffering the loss of accessibility.

More predictable and higher funding for bus services can address this, but only to an extent. Better funded bus services will not clear congestion from the roads. It will not stop or reduce rural depopulation as sought-after housing continues to be ever more beyond the reach of young adults born and brought up in such areas. It will not stop or reduce the health services' reduction of local surgeries and concentration of health centres, often in edge of town developments which cannot easily be reached by bus from the catchment area.

Local Authorities are decreasing their subsidy support inexorably and the move towards bid funding instead of revenue expenditure support relies on bidders having time and expertise to develop appealing bids, which all mitigates against the marginal service provider.

Fare structures can deliver passenger growth but too often at the expense of overall income to the operator, and can lead to high levels of provision being focused on a smaller network.

Cross-subsidy is a critical part of network survival in today's market but many operators (and their shareholders) are nervous about such plans. The result is the withdrawal of marginal services and the isolation of communities, which starts an exodus of younger people and a reluctance of anyone to invest in them.

Communities need access to transport to survive and for their residents to thrive.

⁵ <https://www.pubisthehub.org.uk/>

5 Regulations affecting the provision of bus services and the adequacy of guidance to operators and local authorities

Clearly there is a need for safety-related legislation and for passengers to have an environment that meets their reasonable needs. However, it is a peculiarity of this sector that the interests of the consumer are not front and centre of any part of the regulatory framework and this needs to be urgently addressed.

We understand that Traffic Commissioners have added the need to ensure fair competition to their remit, despite this being the statutory remit of the Competition and Markets Authority. This can be confusing for consumers.

It would seem reasonable to Bus Users UK for the Regulator for public transport to have a duty to consider the impact on and requirements of the consumer of the services regulated, as with any ombudsman or regulatory service.

The 1985 Transport Act evidently presumed that competition in the market would act as a guarantor of the best interest of consumers, but in most local bus markets, especially rural and market towns, competition is rarely present and is unlikely to arise, that guarantor is absent, and it is in these circumstances that we believe the Traffic Commissioner should engage to ensure that the best interests of the consumer are served. Those interests can be summed up as the provision of fairly-priced services that meet the needs of the local residents.

A National Bus Strategy produced by the Department for Transport would ensure that all parties involved in the industry, including the passengers and representatives of the communities they serve, would be working together to ensure that the needs of the public are met in the best possible way, with clear guidance, published best practice and codes of conduct, and all would need to be pulling in the same direction to that end.

This seems to us the most likely way to ensure best value for national or local government money while also meeting the needs of the consumer as closely as is possible. Bus Users UK would be happy to help with draft ideas for such a strategy and to give initial ideas on how a new model of bus operation might work that could be used to support best practice, especially in rural areas.