

Senior Traffic Commissioner's Statutory Documents Consultation July 2018

Bus Users UK would ask that the following points are taken into consideration with regard to the proposed Statutory Guidance on: the role of Traffic Commissioners; good repute and fitness; case management; principles of decision-making and local bus services.

1. There has been a great deal of evidence produced in recent years to show a direct link between bus service provision and social inclusion, the health of local economies and the improvement of air quality. As regulators of the bus industry, Traffic Commissioners have a unique and pivotal role to play in all these fields of human existence. It is therefore incumbent on Traffic Commissioners to ensure they place the needs of passengers, and the communities they represent, as primary stakeholders in the industry.
2. One of the main purposes of a Traffic Commissioner is the “protection of the public” which focuses mainly on the mechanical and safe driving aspects of the law, which appears logical. In our view, however, it seems to us that they should ensure that they interpret their role to not only be guardians of road safety and fair competition but also community and passenger interests.
3. It should also be noted that, while road safety is a statutory requirement for Traffic Commissioners, fair competition is the statutory responsibility of the Competition and Markets Authority and not the Traffic Commissioners.
4. A specific role for Traffic Commissioners in terms of protecting the public is in areas of major service change, taking a lead role in ensuring that there are adequate operators and discs to ensure suitable service replacement, by acting in concert with all interested parties.
5. In terms of local bus operations, the main interested party(ies) involved are the passengers and yet there is no requirement to involve passenger representation in decision-making, nor is the view of passengers taken into account in granting or removing licences to operate. We feel this would be a useful added dimension to the evidence available to Traffic Commissioners, especially where the other evidence is conflicting or unclear.
6. It would be helpful for the Senior Traffic Commissioner to confirm that he works wholly in accordance with the Regulators Code and that staff at the Office of the Traffic Commissioner do likewise.
7. This would enable all Senior Traffic Commissioner's guidance and directions to be measured against these criteria, bringing them in line with every other industry regulator whose remit is to ensure that the interests of consumers are adequately represented against those of shareholders

8. In Wales and Scotland, where Traffic Commissioners have a close relationship with Bus Users UK, which carries out the role of Bus Compliance Monitoring, there is more evidence available to the Traffic Commissioners concerned, which allows them a rounder picture of the situation on the ground.
9. In England, this is not the case. Self-monitoring is the norm for operators and the DVSA has constraints on its resources which mean that, in general, their time is understandably taken up with safety work and inspections. We do not anticipate a major change in this situation in England in the near future, although stand ready at any time to discuss options.
10. However, we believe that it would be useful, at a minimum, for Traffic Commissioners to have access to the numbers of complaints submitted with regard to an operator, their response to those complaints and their implementation, if relevant, to any Bus Appeals Body decisions, when considering what action they might wish to take against an operator which is being investigated or when judging the repute of an existing operator. As the only UK registered Alternative Dispute Resolution body for the bus and coach industries, Bus Users UK is well-placed to provide such information.
11. We also feel it is imperative for the views of passengers and the impact on their communities to be taken into account when a withdrawal or restructure of service is being considered, especially on a large scale across a wide area so that an alternative plan can be put in place which reduced the disruptive impact on those communities as far as possible. Passenger organisations, such as Bus Users UK, would be happy to help in such circumstances.
12. Clearly this information would be just one among many factors that Traffic Commissioners would have to help form their final judgement but we believe it would be a major enhancement of the information currently available and can see no serious objection to passenger organisations being a required consultee in such cases.
13. We feel that such information would aid decision-making and contribute to the judgement of what is proportional in a range of cases.

Information on the organisation submitting this response:

Bus Users UK - bringing people together

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

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