



Bus Users
Working for passengers

Response to the Welsh Government's consultation White Paper on Improving Public Transport

Q1) Do you agree that it is important for local authorities to work together with regard to local bus services? Yes/No? Please explain your answer to this question.

Yes.

Passenger journeys are not confined to within local authority boundaries. It is therefore essential that local authorities work together to ensure a seamless service for communities, rather than adopt a silo approach to bus services.

Q2) Please provide comments on the proposed organisational structures. Which is your preferred option and why?

Bus Users UK would support Regional Joint Transport Authorities (JTAs) for which there is a strong case, provided that an adequate and sustainable source of long-term funding is made available to ensure that the JTAs are effective. We would suggest a minimum 5-year funding package is agreed. Making regional working a statutory requirement as part of JTA arrangements would give regional JTAs the security to act in the interests of passengers.

Roles and responsibilities need to be clearly defined to ensure that the governance and accountability is clear, that there is no duplication and, above all, that the interests of the individuals and communities served by ensuring their required daily journeys are provided is paramount.

A national JTA would appear to duplicate existing roles within Welsh Government and serve no practical purpose.

Bus Users UK is happy to work with Welsh Government and other partners in developing the White Paper and Guidance to set out future JTA arrangements and to ensure that due weight is given to passenger representation in such a structure.

Q3) Is there another organisational structure for Joint Transport Authorities that we should consider? Please describe.

Bus Users UK supports the Regional JTA approach with strong links to the various City/Region deals that exist across Wales to deliver the Wales Transport Strategy for the benefit of individual passengers and communities.

Q4) Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

If the overarching requirements of the JTA structure is that it is an arm's length body, then Welsh Ministers should not be involved in the committee structures. Instead, a reporting and feedback mechanism needs to be agreed. The clear missing component here is passenger representation, which could be fulfilled by the chairing of the overarching body by Wales' passenger champion, Bus Users UK, with the secretariat role revolving between JTA's, to ensure independence.

Further clarification needs to be provided regarding the process for action by ministers, as s/he also has powers to step in where it is perceived that a JTA is not functioning as it should. There needs to be measurable and specific guidelines which should be used to determine when a JTA is failing and an open and transparent process for next steps which may be taken.

Q5) Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Guidance should be taken into account but bus services are a local issue and the detail must be determined locally to avoid a one-size-fits-all approach.

Wales is a diverse Country with city, urban and rural areas. It is very important that recognition is given to the fact that what is appropriate for a city may not be appropriate for a rural area. When decisions are made regarding the granting of powers and issuing guidance and instructions, these will need to reflect the diversity and rurality of each area and avoid a single model being forced on all.

If Welsh Ministers are to have powers to be able to intervene in the event of a JTA failing to exercise its functions, the proposed legislation will need to set out the exact circumstances under which this intervention will take place and its terms and conditions. It will be necessary to lay out clear guidelines on who, at what stage and how will it be determined that a JTA is failing to exercise its functions effectively. What format will the intervention take? How long will the intervention be applied for? What length of time will the intervention last? What are the circumstances under which the intervention can be removed? What would the appeal process be?

Bus Users UK would be happy to be involved in discussions around developing these guidelines.

Q6) Is the proposed division of national and regional functions appropriate?

No, not in its current form. Please see responses to questions 1-5 which set out the thoughts of Bus Users UK.

Q7) Should any other transport functions be transferred to a JTA? Please describe.

Yes, the consultation is aimed at Improving Public Transport. It is therefore appropriate to assume all public transport functions and resources would be pooled under a JTA.

Q8) Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes / No? Please explain your answer to this question.

No. Passengers do not really think about what mechanisms are in place, they simply want their bus services to be affordable, accessible, reliable and run to time.

The Transport Act 2000 laid down the original legislation for a local authority to establish a Partnership Scheme, supplemented by the Local Transport Act 2008.

Bus Users UK supports enhanced partnership working to deliver a sustainable bus network that meets the needs and aspirations of passengers. We consider the best way to achieve this is through co-operation between bus operators, Councils and passengers to work together to deliver a transport/bus network that works for all parties and connects people and communities with the places they need to access.

Q9) Do you agree with our proposals for Enhanced Quality Partnerships, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

Bus Users UK is concerned that whilst Enhanced Quality Partnerships can work well on strong commercially viable networks, we have reservations about how EQPs could work well for more rural, marginal services which are predominantly operated by smaller operators in Wales.

We have seen elsewhere in the UK, in particular in Liverpool and the West Midlands, that the Bus Alliance model / Quality Partnership Agreement between an operator, local authority, passengers and other stakeholders is seen as the most practical way in which the necessary improvements in local bus service provision, sought by passengers and potential passengers, can be achieved.

For any scheme to succeed there needs to be political buy-in to provide necessary measures to tackle congestion with appropriate bus priority measures, enforcement of illegal parking at bus stops and along bus lanes, and coordination of utility works to reduce disruption to passengers to a minimum. This will include strong measures designed to reduce private car use.

Welsh Government may wish to give consideration to introducing a Workplace Parking Levy, a charge on employers who provide workplace parking. Nottingham City Council successfully introduced such a scheme to tackle congestion and provide funding for improvements to public transport.

Passengers want an easy-to-understand network with a simplified fares and ticketing structure; better service frequencies during the daytime with services operating 7 days a week from early morning to late evening to accommodate our changing work and lifestyle patterns; bus stops and shelters with clear information; and raised kerbs to facilitate access to buses.

Q10) Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes / No? Please explain your answer.

No. Bus Users UK is concerned about the funding requirement that a franchising network will require and whether this will be available or indeed sustainable. We live in a climate in which we are continually encouraged to do more with less. As the settlements from Westminster to Welsh Government have become tighter, so the pot of funding available to Local Authorities has reduced, requiring cuts to the services they provide being made in order that they can maintain their statutory services provision. Since 2012, a number of local authorities have cut their revenue support for bus services and in some cases have removed their support completely. The impact on individuals and communities has been devastating and an increase in social isolation with the attendant costs is inevitable.

Financial settlements in future years are predicted to be challenging with further pressures on budgets, and our concern is that franchising would be unsustainable as the model requires intensive ongoing capital and revenue investment in order to be an improvement on the current mixed funding regime.

Decisions would need to be taken on where resources are targeted. With limited or no additional funding, frequencies would need to be reduced to release resources to improve service levels to other parts of the network. This could lead to a reduction in the amount of income generated, as the previously strongest revenue-earning services with reduced frequencies will be less attractive. This could lead to a decline in usage and revenue which will not be offset by the revenue from the newer services that have been set up. Similarly, if frequencies on the core network are maintained, additional funding would be required to meet the establishment of other services. Minimum service provision standards and ring-fenced funding would be essential as exit from a franchising scheme is near-impossible.

The London model of franchising is often used as an exemplar of bus services provision, but there are significant differences to bus services in Wales. Buses are far more efficient serving areas of high population density and there is a greater density of population in London than Wales. Population density according to the 2011 Census in Greater London is 5,227 per km, in Wales, the average is 148 per km. The proportion of households without a car in London 41%; in south east Wales it is 24.7%. Public funding per head of population in London (excluding concessionary fare reimbursement) at over £71 per capita is around 7.5 times higher than in Wales. It should also be noted that ridership in London has fallen steadily since 2014 so this model is no panacea.

In common with any industry that loses its business as a result of government policy, it should also be taken into consideration that the bus industry in Wales may seek compensation as a result of the creation of a franchising scheme.

Bus Users UK is also concerned that one of the main issues for passengers and, indeed, bus operators and others is congestion. Franchising will not address this without a host of other measures being brought into play.

Q11) Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes / No? Please explain your answer.

Yes. Good governance would dictate that an independent audit of the rules and procedures carried out by the respective local authority are undertaken. This would ensure that local authorities are complying with the relevant legislation, and also resolve any disputes that might arise between the relevant parties. Of particular interest to Bus Users UK would be the protection of passengers' rights and requirements.

The proposal by Nexus in 2015 for a Quality Contract Scheme in Tyne and Wear was reviewed by the Traffic Commissioner for North East England before being submitted to the independent quality contracts board. It would be prudent for The Traffic Commissioner for Wales to perform a similar role in determining the merits of any franchising proposals being prepared by an authority in Wales.

Q12) Do you have any other comments on the proposed process for franchising?

There currently seem to be no benefits proposed and no consultation involved so no comment is possible.

The Bus Services Act 2017 introduced new powers for mayoral combined Authorities in England to create a franchise system for their local bus networks. Transport for Greater Manchester is currently undertaking a feasibility study to explore franchising. This has taken a great deal of time and budget and thus far no public consultation has been involved so it does not inspire confidence.

Q13) Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

Bus Users UK is concerned that the Consultation is silent on the terms and conditions and length of duration of the permit. There is the potential that different franchising authorities could implement different interpretations resulting in inconsistencies arising between neighbouring franchising authorities. The impact of this could lead to fragmented services. If franchising in any form is to be considered, there needs to be a common set of standards, requirements, terms and conditions in place to ensure fairness and consistency. Interconnections and multi-modal ticketing will need to form part of these requirements

Q14) Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

Yes. The franchising model for London ensures that operators, regardless of size, are not disadvantaged in the process being able to bid for single services as well as a whole network. Wales has a variety of operators reflecting the diversity of requirements ranging from one-bus operators and small, family-owned independents, to publicly-owned and municipal operators. Franchise contracts need to reflect this diversity in recognising the differences between operating bus services in rural, semi-rural, suburban, urban and city areas, in order to ensure a seamless travel option for all residents in Wales.

Q15) What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

The concern for Bus Users UK would be if an existing operator of commercial services who was unsuccessful in becoming the operator of the replacement franchised bus service, then decided to cease operating the service.

Administrative procedures and bridge funding would be required to operate interim services of at least similar quality and frequency.

Q16) Do you think that local authorities should be able to run bus services directly i.e. in-house services? In what circumstances do you think this would be appropriate? What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Yes. Bus Users UK believes it would be in the interests of communities if Welsh Ministers made special provision for local authorities to take temporary control of service provision in an area where there is wholesale withdrawal by commercial operators. Regulatory authorities would need to be 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.

Municipal bus operations have had a record of excellent service and financial success in many towns across the UK. This model requires oversight by the local authority and a level of financial openness to ensure that their services break-even, and that any surplus is reinvested into better services or necessary development. The systems used are easily accessed and no reinvention would be needed to set up a robust system.

It may also be that local needs can be met by flexible and innovative community-based services, combined with home to school and/or adult care needs on a more cost-effective basis than the private sector.

Q17) Do you think that local authorities should be able to set up arms length bus companies to operate local bus services? In what circumstances do you think this would be appropriate? What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Yes. However, a local authority should be able to demonstrate how it has considered alternative provision; what their proposals will be to achieve better value-for-money for the public benefit; and/or what their solution would be for improving local bus service provision where commercial operators have failed to meet the needs of communities.

Q18) Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

Consistently at our Your Bus Matters events, passengers tell us that they hugely value the concessionary pass scheme and that entitlement should be universal. The age at which entitlement is determined should be the same for both sexes, but this is a political decision and the entitlement age should be decided by national governments.

Q19) Do you agree that an incremental change is the most appropriate method?

If a change in entitlement is to be made, then yes. This will protect existing entitlements and allow a gradual transition.

Q20) Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer to this question.

Bus Users UK supports the underlying concept in principle, although we do have some concerns about the lack of funding available to meet the requirements and the potential impact on already marginal services. The push towards solely digital provision of information also presents access barriers for people on low incomes and those in deeply rural areas.

The mechanics of how the data is loaded is not really of concern to passengers. Of greater concern is the final product and its presentation which should aim to make moving from one area to another, or from one operators' services to another, as seamless as possible. Consistent presentation of information would be helpful in printed or digital format and both are still needed and will be for some years to come. The difficulties for smaller operators are clear but it would make more sense to set a longer timeframe for compliance with these requirements, offering financial support for upgrading or retrofitting wherever needed to comply with a national standard, than to allow different and uncoordinated approaches to be developed. While the complexity of the underlying functions may need to vary, the end product should look the same to passengers everywhere, even if some of the detail is absent in places. This is especially critical for people living close to the

boundaries of local authorities whose regular journeys take them across those boundaries. While app developers may wish to offer a variety of interfaces, it should be noted that dealing with very different presentations of information would reduce usage and confidence.

Data on timekeeping and reliability would assist the regional transport/local authorities in carrying out their strategic role, overseeing the highway infrastructure.

This should be a collaborative approach – for example data covering traffic delays, journey times and parking availability supplied through a local authority's traffic control system.

Q21) Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are cancelled or varied, and where appropriate, disclose this information as part of the tendering process? Yes/No? Please explain your answer to this question.

Yes. Local Authorities have a requirement to develop and maintain a comprehensive local bus network to meet the requirements of providing socially necessary transport to connect people and communities. If an operator withdraws from a service, the local authority will need information on levels of passenger use to inform a tender process to achieve the most cost-effective solution.

Other information

Please note that there are broader issues which are not addressed in the White Paper, but which are key elements to finding a successful way forward.

- The White Paper contains no evidence of proposals to ask communities what services they need, which is critical.
- Passenger involvement in the design and testing of services, particularly by the most vulnerable to social isolation, is a necessity to ensure the network is fit-for-purpose and that journeys will entail minimal changes/connections.
- No strategies are outlined in the White Paper. A National Bus Strategy is needed, but we appreciate that TfW has a work stream looking at this.
- Inter-availability of ticketing is not detailed, but we appreciate that TfW has a work stream looking at this.
- The available budget is not clear. There is no mention of measures and targets for services required in order to determine required budget, nor any value-for-money indicators.
- There is no mention of how the proposals are intended to tackle congestion or air quality issues.
- There seems to be no mention of the potential of a franchising scheme to fail and what the process would be in that eventuality. This would lead to passenger fears that any franchised scheme that is poorly run would result in diminishing standards, frequency levels and services.
- There is no information about how the new provision would be intended to appeal to occasional travellers or part-time workers.
- There is a missed opportunity for a links with education and employment via mixed-skill apprenticeship schemes. These would encourage a diverse mix of young people to see the bus industry as a viable career option, with clear progression from shop floor to senior management/Board.

About Bus Users UK

Bus Users UK is an approved Alternative Dispute Resolution (ADR) Body for bus and coach passengers, and the body dealing with complaints under the European Passenger Rights Regulation (Outside London). These rights will continue beyond Brexit.

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 have worked closely with Welsh Government for many years to advise on transport policy, current practice and new ideas. We also deal with Welsh bus passengers' complaints which come either directly from the passenger or via their Assembly Members, and we work alongside communities to try to make the case for continuing service provision and subsidy. We also hold regular events in rural and urban settings throughout Wales to enable residents to make local transport providers and policymakers understand their needs and the impact of poor transport on people at risk of social exclusion.

We employ 3 bus compliance officers who conduct roadside monitoring, often as a result of complaints received. They also supply evidence when the results of the monitoring result in a Public Inquiry led by the Traffic Commissioner.

Bus Users UK Charitable Trust is a Registered Charity numbers 1178677 and SC049144, and a Company Limited by Guarantee Registration Number: 04635458

We would be happy to assist with any follow-up questions or further information. Please contact us on 0300 111 0001 email wales@bususers.org

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