

The Regulation of Bus Services Bill - proposal by Charlie Gordan MSP

Response from SATA to consultation questions

Section 2 Legislative Background

Q1. Why have no transport authorities or bus operators yet implemented a statutory QP under the 2001 Transport (Scotland) Act?

It is understood that local authorities have so far preferred voluntary agreements with private operators as the best course of action - and less costly.

Q2. How do you think bus services in your area could be improved? Do you think that more regulation via quality partnership and quality contracts schemes would improve bus services?

Bus services can certainly be improved. Whether more regulation can improve them will depend on the nature of that regulation. However, there is a basic conflict between commercial and social considerations. The market only works without subsidy where there is high volume demand. There is especially scope for developing bus services in rural areas and peripheral urban areas at medium to low volume times eg evenings and weekends, including demand responsive, semi-fixed and flexible services. As developed in some Scandinavian towns and cities, medium-size low-floor vehicles running at frequent intervals could operate on a neighbourhood basis along 'service routes' to local amenities and be especially designed to meet the needs of families, older and disabled people.

Q3. Is it the case that no QPs under the 2001 Transport (Scotland) Act have been developed to date by transport authorities and bus operators because of significant development costs and little evidence that they would offer much more than is already available through voluntary partnerships?

We are not able to comment on this

Q4. What are your views on simplifying how quality partnership and quality contract schemes can be set up? How can the process be simplified?

We are not able to comment on this.

Q5. What are the costs involved in implementing a quality partnership or quality contract?

We are not able to comment on this.

Q6. What are your views on abolishing the requirement for quality contract schemes to be approved by Scottish Ministers?

We are not able to comment on this.

Section 3 Bus Operations

Q7. The Scottish Government's 'Bus Policy Overview' of 2006 said "....there are areas - notably the West of Scotland - where the quality of service in the evenings and on Sundays is restricted. In addition, in parts of rural Scotland bus services are too thin to provide the services which people seek." Has the situation described above improved, worsened or remained the same?

As suggested in our answer to Q2, we think there is much scope for improvement in quality but we have no specific evidence on changes which have taken place. The question implies that there is a need for more data and closer monitoring.

Q8. Given the examples of voluntary partnership between transport authorities and bus operators, is there a need for further bus regulation?

We have no evidence on which to comment on this.

Q9. How effective are voluntary partnerships between local authorities and bus operators in Scotland?

Given our answer to Q2, we think that partnerships could be more effective. It is thought that the respective roles of local authorities and regional transport partnerships could be more clearly differentiated.

Q10. How could improved regulation of bus services support the work of the Traffic Commissioner in Scotland?

We are not able to comment on this.

Q11. Should provision of fully accessible buses in Scotland be 100% before the 2017 deadline set by the Disability Discrimination Act 2006?

The Public Service Accessibility Regulations 2000 were issued under the DDA 1995 and applied to all buses and coaches operating to a published timetable with a capacity exceeding 22 passengers. Its provisions were as follows:

- All single deck buses less than 7.5 tonnes will have to be compliant by January 2015
- All single deck buses more than 7.5 tonnes will have to be compliant by 2016
- All double deck buses will have to be compliant by 2017
- All single and double deck coaches will have to be compliant by January 2020

Some bus operators, especially the larger ones, are well on their way to meeting these targets. Others are not. Many people, including disabled people, would like the timetable to be speeded up but these are matters reserved to Westminster and not within the power of the Scottish Parliament to change. The Scottish Parliament could do more to encourage operators to purchase new vehicles but they would doubtless look for public funding to do so. The Scottish Government's disaggregation of central funding to local authorities for route development, rural transport and demand responsive transport has put this investment at risk given other pressures on their resources..

We can add that the design of vehicles is not the only factor to consider regarding access: for instance the state of streets and the distance of bus stops can also determine their accessibility. Our members also comment that people in powered wheelchairs are often refused access.

Q12. What are your views on the potential of regulation of buses to lead to greater co-ordination of buses with other modes of transport in terms of through journeys and through ticketing?

We think this is a vitally important matter and anything that will improve interchange will be welcome. It goes without saying that all other modes of transport involved in the interchange must be accessible and affordable - for instance taxis, trains, ferries and air services. In an electronic age it should be possible to integrate timetables and arrange through-ticketing.

Section 4 Public Funding for Buses

Q13. Is there a case for disaggregating the Bus Service Operators Grant to Councils?

This should only happen if the money is ring fenced and it is made mandatory for councils to include the development of demand responsive and community transport in their areas. BSOG is seen as a crucial income stream to develop and sustain demand responsive services. Its loss could lead to service reductions. Also, bus operators often see BSOG as an important component in their budgeting calculation for the commercial viability of some routes. Without it there would be greater calls on councils' supported bus network budgets.

Section 5 Bus Policy

Q14. What are your views on Action Point 9 in the Scottish Government's Bus Action Plan: "In order to support franchising where there is market failure, review the legislation on QCs to simplify the process to be followed by transport authorities."?

We are not able to comment on this.

Q15. What are your views on Action Point 10 in the Scottish Government's Bus Action Plan: "Reviews the legislation to simplify the process and increase the benefits to the passenger."?

We are not able to comment on this.

Q16. Is there ambiguity and consequent uncertainty on the issue of bus regulation in Scotland?

We are not able to comment on this.

Q17. Is this public consultation an opportunity to resolve ambiguity and uncertainty in bus policy in Scotland by providing evidence from interested parties?

We think it is and we hope it will.

Section 6 Free Bus Travel

Q18. What are your views on ensuring that those in receipt of the lower level of Disability Living Allowance are included in the scheme? (ie the Scotland-wide Free Bus Travel Scheme)

We strongly support this. We think their omission from the original scheme was an injustice especially as they were included in previous local schemes, notably in Strathclyde. We hope that this will emerge from the Scottish Government's recent review of the Scheme and that it will be put right.

Q19. What are your views on extending existing legislation to include community transport and demand responsive transport teams (sic) in the concessionary travel scheme? (ie the Scotland-wide Free Bus Travel Scheme)

We are strongly in favour of this proposal as it would allow many more disabled and elderly people to benefit from the Scheme. People are now excluded from the Scheme because they cannot access scheduled services within the Scheme either because there is no service or they have restricted mobility and vehicles are not accessible. However we are aware that it would have implications for the voluntary sector that will need to be carefully considered, for example increased administration and the need to provide suitably accessible vehicles.

Q20. What equal opportunities issues arise from this and all other aspects of my proposals?

There are many issues throughout the document regarding the need to promote equal opportunities by providing a range of accessible and affordable transport. The lack of it has profound implications for people's quality of life, social well-being and health.

Under the DDA 2005 the Scottish Government has a 'general duty' to promote equality of opportunity between disabled people and other people. It also has a 'specific duty' to publish a disability equality scheme and report annually on its implementation. In December 2006 the then Scottish Executive published its Disability Equality Scheme and this included a Disability Equality Duty Action Plan.

Within this plan was a commitment to monitor the impact of the scheme for Scotland-wide free bus travel and establish a 'survey capability... to ensure that the requisite monitoring and data collection and evaluation was done; including providing the analysis required to ensure that we are meeting the Disability Duty'.

The Disability Equality Duty Action Plan also undertook to provide funding through the Bus Route Development Grant for increased frequency, quality, capacity and accessibility of vehicles (eg low floor), accessibility being one of the 'key aims' of the scheme. It set a target of 22.5 million additional bus passenger journeys over a 3 year period by the end of 2009. However this £11 million fund has now been disaggregated to local authorities and not ring fenced.

The Scottish Government issued statutory guidance to Regional Transport Partnerships that they should undertake equality impact assessments within their transport strategies and it gave non-statutory guidance to local authorities that they 'should give particular consideration to assessing and meeting the needs of different groups of people including disabled people and carers, children and young people and the different needs of men and women'.

We think that a thorough Disability Equality Impact Assessment must be made before any legislation is transacted and that disabled people must be consulted and involved in the making of this assessment.

Section 7 Bus Workers

Q21. What are your views on bolstering the Employment Rights of Bus Workers affected by competitive tendering by a protocol covering all interested parties?

We are not able to comment precisely on this but are generally in favour of all workers having their employment rights protected.

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