

**SATA**  
Scottish Accessible Transport Alliance

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Scottish Charity No SC027600

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Dear Sir

**DfT Consultation Paper - Improving Bus Passenger Services through the Regulatory Framework: SATA's response**

**1. Introduction**

1.1. The Scottish Accessible Transport Alliance (SATA) is an independent, non-political voluntary group and registered as a charity in Scotland. SATA was launched in June 1995 to bring the users, planners and providers of transport services together to improve the accessibility of vehicles, vessels and rolling stock, and to provide a range of affordable services, good communication and information, and appropriate support and assistance for disabled people and people with reduced mobility.

1.2. SATA has some 20 individual and 60 corporate members drawn from the voluntary, public and private sectors across Scotland.

1.3. SATA aims to work for the provision of accessible transport as a basic right for all people and to mobilise as many disabled people and people with reduced mobility as possible so that they can enjoy the benefits of travel and have equal opportunities to education and training, health and social services, leisure, recreation and other amenities.

1.4. SATA is pleased to be able to respond to this consultation. Our response comes mainly from members of SATA's sub group on bus and coach services

## **2. Comments**

### **2.1. General**

2.1.1. SATA calls for the introduction of legislation requiring on-board vehicle audible/visual information, including next stop, final destination etc. on all scheduled buses and coaches.

2.1.2. SATA calls for the introduction of legislation requiring the provision of audible/visual information at all bus stops (including real time data information on the next bus or coach, service number and final destination etc.)

### **2.2. Specific**

#### ***4. Registration of local bus services: improving provision of reliable and up-to-date information***

*4.2 Separate arrangements have applied in Scotland for some time. These include an additional requirement for operators to notify the local authority within whose area the services will operate 14 days before submitting any application to the traffic commissioner to register a service, change or cancel an existing service”.*

2.2.1 SATA welcomes these additional arrangements.

*“4.5 At the same time, it is acknowledged that the additional notice period could have some negative impact on operators’ flexibility to respond to changing commercial conditions”.*

2.2.2. SATA believes that this proposal will not have a profound effect on operators' ability to respond.

#### ***Minimum period of operation for newly-registered services***

*“4.7 Another feature of the Scottish system is that a newly-registered service must normally be provided, without variation, for a minimum period of 90 days. Provision is made for this rule to be relaxed in genuinely exceptional or unforeseen circumstances, with the traffic commissioner exercising discretion as to whether to relax the requirement in individual cases”.*

2.2.3 SATA welcomes and supports this provision.

*“4.8 The main benefit of this approach is that it provides a greater degree of stability of service provision for passengers. However, there is a potential risk that being tied in for a minimum of 90 days could deter an operator from starting an experimental new service where the level of demand is highly uncertain. It could be a particular barrier to innovative approaches such as “taxi-bus” services, where commercial viability could be uncertain. Therefore, achieving a fine balance between service stability for the travelling public and commercial flexibility for operators would be vital”.*

2.2.4. SATA supports this proposal and believes that it will not create a barrier between service stability and innovative commercial flexibility.

*“4.9 We would welcome views on the merits of requiring a minimum period, including the potential impact of any such requirement, and whether 90 days might be an appropriate period, considering operators’ need to respond quickly to changing market conditions. Evidences available have indicated that the ‘90 day rule’ has proven to be beneficial in Scotland, in ensuring that services are stable while at the same time allowing for flexibility in unforeseen circumstances”.*

2.2.5. SATA supports this proposal.

***Notifying passengers of service changes.***

*“4.10 There is also a requirement in Scotland for operators to place notice of any proposed variation or cancellation on vehicles for a minimum period of 21 days. This ensures that the information is brought to the direct attention of those who are most likely to be affected by the proposed changes to the service. This would involve some compliance costs on the part of operators”.*

2.2.6. Whilst generally supporting this proposal, SATA believes that printed notices on vehicles alone, does not take into account the needs of people with visual disabilities and therefore their needs require to be considered.

***Variation of services around bank holidays.***

*“4.12 Service variations around bank holidays generally impact on*

*the public's ability to travel freely around these periods, more so because these variations occur across modes. The holiday periods as defined in the current regulations are somewhat generous, with the effect that, at Christmas and Easter in particular, services may be altered over a two week period without making an official variation to the registration. Operators are instead required to send notice of the intention to vary the service to the local authority and traffic commissioner no later than 21 days in advance. In practice, this means these changes are not published and the travelling public have little notice of service changes which affect them".*

2.2.7. SATA believes that the travelling public should get the necessary notice of alterations to enable them to plan and make journeys.

*"4.13 The Department has a longstanding commitment to review the requirements relating to service changes at and around bank holiday periods following the recommendations of the Task and Finish Group of the Bus Partnership Forum. We are considering two particular proposals - tightening the definition of a holiday period, and standardising the period of notification to match that which applies the rest of the time".*

2.2.8. SATA supports these proposals.

*"4.15 We would welcome views as to whether 56 days notice of changes to services in these periods should be required, rather than the current 21. The main advantages of this would be longer period of notice of changes to services which would enable transport authorities, planners and travel information services such as Transport Direct sufficient time to communicate these changes to the travelling public for planning their journeys around bank holidays".*

2.2.9. SATA supports this proposal.

### **Notifying passengers of service changes.**

*"4.16 We would also welcome views on the value of making similar changes to bank holiday service notice period for community bus services, requiring 28 days notice rather than the current 21, thereby bringing this in line with notice period for community bus services generally. In addition to some of the above mentioned advantages, this would also ensure consistency in that both 'conventional' and 'community bus'*

*operators would end up with their 'usual' notice period applying at bank holidays".*

2.2.10 SATA supports this proposal.

*"4.17 The Department recognises operators' need to respond to the needs of the travelling public and the challenges of finalising timetable changes in advance, particularly in synchronising their services with major retail stores' opening hours, with retailers often making short notice announcements about opening and closing times during bank holiday periods. However we think that these changes provide the scope for better forward planning and closer collaboration between local bus operators and retailers. We understand that many operators are already notifying changes to their services around bank holidays 56 days in advance, so are in effect doing, as a matter of good practice what is now being proposed. We would welcome views on whether or not these changes are desirable and useful, and whether they should apply to all bank holidays or only at Christmas".*

2.2.11. SATA believes that this should apply to all public holiday periods.

### ***Rail replacement services.***

*"4.18 We seek views on whether the 1986 regulations should be amended so that no notice period would be required for any service for the carriage of passengers by road, which is provided as an alternative to the whole or part of a railway passenger service that has been discontinued, reduced or modified temporarily. That would include all such services whether procured by the appropriate national authority or the TOCs."*

2.2.12. SATA considers that rail companies must provide replacement cover for cancelled trains which disabled people and those with reduced mobility can access. In many rural areas bus operators use the same vehicles as they use on tours and they are not accessible. Moreover there may be no raised pavements or drop kerbs on the routes used.

SATA believes that due notice should be given, the vehicle type should be stipulated and the vehicle should be wheelchair accessible.

### **Publication Regulations**

*"4.22 We think that some changes to the publication regulations would be useful. The Schedule to the 1986 regulations,*

*which prescribes the registration particulars, has been amended several times, most recently in 2004. The Schedule no longer requires an operator to specify the 'type of vehicle when applying to register a service. So this information is no longer included in any such application'.*

2.2.13. SATA believes that this information should be provided.

*"4.23 However, the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986 (SI 1986/1629) still list 'type of vehicle' as part of the information which the traffic commissioner must publish in respect of every registration. In practice traffic commissioners do not publish this information because it is not given to them by the operator. We think it would be sensible to amend regulation SI 1986/1629 accordingly to provide consistency. This would be without prejudice to the requirements of the Public Services Vehicle Accessibility Regulations 2000. We welcome your views on the merits of this".*

2.2.14. SATA does not support this proposal.

## **7. Driver and passenger conduct: improving bus journey experience for everyone.**

*"7.2 The Conduct Regulations need to be updated to reflect modern legislation like the Health Act 2006 and regulations made under it, which introduced a smoking ban in all enclosed public places. We are also taking the opportunity to seek views on ways of addressing issues regarding the behaviour of passengers and staff. These issues include:*

*a) Concerns of older and/or disabled passengers about drivers accelerating quickly away from bus stops, without giving them time to sit down;*

*b) Wheelchair space being occupied by prams or pushchairs thereby depriving wheelchair users' access to the bus;*

*c) Smoking, consumption of alcohol and drunkenness on the bus".*

2.2.15. SATA welcomes this proposal and believes that close consultation needs to take place between individual bus companies and disabled people and their organisations.

*“7.3 We would welcome views on the extent to which these issues have been a problem and the scale of the problem. There has however been growing pressure from the public and other stakeholders about how driver and passenger conduct is regulated and how these regulations are enforced, and also about the inconsistent interpretation of the regulations. Although breach of the conduct regulations is a criminal offence, many breaches are relatively minor in nature, and in practice there is very little enforcement of the regulations by the police. It appears also that in practice contravention of the Conditions of Carriage is very rarely enforced except with regard to fares”.*

2.2.16. A problem concerning access for parents with pushchairs arose in the Edinburgh area in 2008/9, resulting in a petition being raised in the Scottish Parliament. However, this is not a devolved matter on which they could rule, although as a result the bus company mainly involved (Lothian Buses) has since introduced some redesigned vehicles to include a special space for pushchairs and prams.

*“7.4 DfT welcomes views on how the Conduct Regulations could be better enforced. We would particularly welcome views on the merits of making operators more accountable for the actions of their drivers, and the merits of introducing financial sanctions against operators for persistent breach of the Conduct Regulations, following repeated complaints against particular drivers and/ or operators”.*

2.2.17. SATA would support this proposal.

### **Consumption of alcohol on buses.**

*“7.5 There have been concerns raised about consumption of alcohol on buses and the behaviour of drunken passengers. A study<sup>4</sup> commissioned by DfT in 2008 on experiences and perception of anti-social behaviour and crime on public transport, highlighted that drunk people and/ or people under the influence of drugs are some of the common reasons why people feel unsafe on buses. Dealing with passengers who are drunk and potentially aggressive could put the driver and other passengers at risk. This is why we are considering whether a ban on consumption of alcohol on buses might be useful”.*

2.2.18. SATA would support such a move.

*“7.6 DfT would like to hear views on the extent to which this is a problem, given that operators’ Conditions of Carriage prohibit consumption of alcohol and other antisocial behaviours while travelling on the bus, and operators currently have powers to remove drunken and disorderly passengers from the bus. We are interested in views on the merits of making necessary changes to the Conduct Regulations to introduce a total ban on consumption of alcohol or carriage of opened container of alcohol on the bus. We also seek views on the scope of such a ban, and whether there are other factors to consider with regard to effective enforcement”.*

2.2.19. SATA believes that there is merit in such a proposal.

### ***Changes to the definition of Regulated Public Service Vehicles.***

*“7.8 We think that this proposed secondary legislation provides a good opportunity to recognise the European approved vehicles in the Conduct Regulations and attach the duties and responsibilities under the regulations to these other categories of public service vehicles. The advantage of this approach, rather than relying on Part 3 of the DDA 1995, is that the Conduct Regulations impose specific duties on drivers, conductors and inspectors, with respect to disabled people rather than the general duties imposed by the DDA”.*

2.2.20. SATA would welcome this legislation.

### ***Designated wheelchair space on the bus.***

*“7.9 We are seeking views on further ways to ensure stricter enforcement of the duties of drivers, inspectors and conductors with regard to disabled people. Conduct Regulations set out the duties of drivers/conductors of regulated public service vehicles with respect to passengers in wheelchairs and other disabled persons. DfT’s guidance<sup>5</sup> specifies that passengers who are not disabled but are occupying the wheelchair space could be asked to move to allow a passenger in a wheelchair to board, provided that there is room for the passenger to move elsewhere on the bus and the seating and standing capacity will not be exceeded. Drivers are also required to take reasonable steps to ensure the safety of their passengers”.*

2.2.21. SATA believes this to be a reasonable approach (and see our comment under 2.2.16 above).

*"7.10 The Public Service Vehicles Accessibility Regulations (PSVAR) 2000 (SI2000/1970) stipulate that there should be clear signage for the priority seat and the wheelchair space on the bus. The Department is committed to delivering transport that works for everyone. We have therefore been considering how enforcement of these regulations can be improved. Stricter compliance with the Conduct Regulations would go a long way in ensuring that the wheelchair space is available for a passenger in a wheelchair".*

2.2.22. SATA welcomes this move to address the needs of wheelchair-using passengers.

*"7.11 We therefore seek views on measures to ensure stricter compliance with the regulations in general, particularly on whether introduction of financial sanctions against operators who persistently breach any aspect of the regulations, would be useful".*

2.2.23. SATA believes that there needs to be further consultation on this matter.

### **Smoking on buses**

*"7.12 The health Act 2006 and regulations made under it introduced a smoking ban in all enclosed public places and created a number of offences under the Act for failure to comply with the ban. This smoking ban applies to buses and the provisions of the Act and the level of fine for each offence is set out in The Smoke-free (Penalties and Discounted Accounts) Regulations 2007 which covers England and Wales. We propose to amend the Conduct Regulations to bring them into line with this legislation."*

2.2.24. We agree.

## **8. Conclusion**

*"8.1 The proposals set out in this document are designed to generate discussion and seek views on a range of measures that could enhance improvements in bus services, tighten procedures where necessary, remove risks and enhance safety and comfort. DfT welcomes stakeholders' views on these measures and would consider alternative proposals where necessary".*

We think that much is to be gained from harmonising regulations applying to services in England and Wales with those in Scotland so that they can all be

improved, especially designs that ensure ease of access for disabled passengers. There are of course many improvements that are beyond the power to regulate centrally, such as providing routes which are responsive to people's desired destinations and an accessible infrastructure at terminals and stops. It may be stating the obvious but no amount of improvements to vehicles will be of use to those who can't get to a bus stop, have to wait too long for the bus to arrive or get on it when it does. We therefore need joined-up measures to make the whole door-to-door journey possible. This requires close inter-agency cooperation and some dedicated funding.

We apologise that we have not completed your response form but think we have answered most of the questions and hope you will find the replies and comments helpful. We are content that they should be made public.

Yours faithfully

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