

Appendix 2

Consultation on changes to bus registration in Scotland



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

West Lothian Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

Forbes

Forename

Ian

2. Postal Address

Operational Services

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Postcode EH48 2HA

Phone 01506 282317

Email

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3. Permissions - I am responding as...

<div style="display: flex; justify-content: space-around; align-items: center;"><div style="text-align: center;">Individual <input type="checkbox"/></div><div style="text-align: center;">/</div><div style="text-align: center;">Group/Organisation <input checked="" type="checkbox"/></div></div> <p style="text-align: center;"><i>Please tick as appropriate</i></p>	
<p>(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Transport Scotland web site)?</p> <p><i>Please tick as appropriate</i> ✓ Yes <input type="checkbox"/> No</p> <p>(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis</p> <p><i>Please tick ONE of the following boxes</i></p> <div style="display: flex; justify-content: space-between;"><div>Yes, make my response, name and address all available</div><div><input type="checkbox"/></div></div> <p style="text-align: center;"><i>or</i></p> <div style="display: flex; justify-content: space-between;"><div>Yes, make my response available, but not my name and address</div><div><input checked="" type="checkbox"/></div></div> <p style="text-align: center;"><i>or</i></p> <div style="display: flex; justify-content: space-between;"><div>Yes, make my response and name available, but not my address</div><div><input type="checkbox"/></div></div>	<p>(c) The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Transport Scotland web site).</p> <p>Are you content for your response to be made available?</p> <p><i>Please tick as appropriate</i> ✓ Yes <input type="checkbox"/> No</p>
<p>(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Transport Scotland to contact you again in relation to this consultation exercise?</p> <p style="text-align: right;"><i>Please tick as appropriate</i> ✓ Yes <input type="checkbox"/> No</p>	

CONSULTATION QUESTIONS

Question 1: do you agree with the proposal to extend the pre-registration notice period from 14 days to 28 days ?

Yes ✓ No ☐

The council would welcome the additional period during which consultation on service changes take place. This additional time would permit negotiation and planning to take place but the council will be keen to not use the time to consider providing financial support for services about to be withdrawn unless there were quantified evidence provided by the bus company concerned to show this was justified. In any event the council may wish to consider alternative courses of action including the procurement of a replacement or part-replacement service for other service suppliers.

Question 2: Do you agree with the proposal to replace the duty to inform the relevant authorities before making an application for registration with a duty to consult with the relevant authorities?

Yes ✓ No ☐

The council considers this to be a welcome proposal but notes that the expectation of a collaborative approach involving the council and bus companies as a statutory obligation must always be tempered with the fact that bus companies require a surplus from their operations. Ultimately, this commercial reality will limit the strength of the council within the dialogue though there have been examples of operators amending proposed service changes following suggestions from the council even under the existing framework. The council will welcome the provision of guidance over these issues.

Question 3: Do you agree that relevant authorities should be encouraged through guidance to draw potential concerns about new registrations to the attention of the traffic Commissioner for Scotland and/or Transport Scotland?

Yes ✓ No ☐

The council broadly welcomes this proposal. Beyond raising concerns over bus operator capacity, road safety or environmental impact it is unlikely that councils will be able to provide the Traffic Commissioner with additional information to assist in the wider exercise of duty. Recent local experience suggests that this would happen only rarely. There are other issues e.g. over the current lack of co-ordination of service change dates between operators which are a local concern and this would assist in informing policy development.

Question 4a: Do you agree with the proposal to reduce the period of registration from 56 days to 42 days? What difficulties (if any) do you consider such a change might present and how might these be addressed?

Yes ☒ No ☐

In principle provided that the overall 70 day notice period is maintained the council supports this. However, until the post-consultation stage has elapsed councils cannot begin updating the IT databases which provide the base information for Traveline certain that no further changes will be forthcoming. This council does provide short notice support for desirable service changes at shorter notice service provided that all of the necessary service changes can be made known to the public in sufficient time.

Question 4b: An alternative option would be to reduce the registration period from 56 days to 42 days only where Electronic Bus Service Registration (EBSR) is used. Do you agree with this?

Yes ☐ No ☐

The council does not support or oppose this though it does note that differentiating notice periods between EBSR and conventional registration may penalise smaller operators in competition with a larger operator who may have greater capacity to have moved to EBSR.

Question 5: Do you agree that we should require operators to detail within registered hourly frequency bands any services that are registered as frequent services?

Yes ☐ No ☐

The council sees this of little local relevance in the absence of head to head competition which has not occurred for many years. In these circumstances the current requirements are adequate.

Question 6: Do you agree that if the proposed changes set out above are adopted, they will improve the bus registration process in Scotland ?

Yes ☒ No ☐

Overall, the council views the proposals as an improvement over the current framework.

Question 7: It is possible that much of what is proposed above could be achieved through Guidance and/or a Code of Conduct to facilitate engagement between operators and relevant authorities rather than changes to the legislation. Do you have any views on this?

Yes ☒ No ☐

This council already finds divergent practices amongst the relatively small number of service providers and sees the Guidance or a Code of Conduct would be subject to wide interpretation. As such the council would prefer legislation to ensure that there was some

kind of consistency in place.