



Consultation response

To: HOUSE OF COMMONS TRANSPORT SELECT COMMITTEE
INQUIRY INTO VOSA's ENFORCEMENT ACTIVITES

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1. Introduction

1.1 *pteg* represents the six English Passenger Transport Executives which between them serve more than eleven million people in Tyne and Wear ('Nexus'), West Yorkshire ('Metro'), South Yorkshire, Greater Manchester, Merseyside ('Merseytravel') and the West Midlands ('Centro').

2. Summary

2.1 *pteg* welcomes this inquiry as we have been concerned for some time about:

- the numbers of buses issued with prohibition notices following inspection by VOSA
- the patchy punctuality and reliability of bus services, and the low level of resources which is devoted to investigating and enforcing punctuality and performance

2.2 Overall we believe that more attention and resources should be devoted to raising safety management, and vehicle and performance standards, in the bus industry. There is a need for greater policy clarity linked to clear objectives and effective enforcement.

2.3 The key national agencies involved – the Traffic Commissioners and VOSA – appear to have a disjointed and often inharmonious relationship. For VOSA bus reliability issues appear to be a 'side-show' when compared with their vehicle safety responsibilities.

2.4 More thought should be given by the DfT as to how the new Passenger Watchdog will relate to the Traffic Commissioners and VOSA.

2.5 The attention currently given to bus safety and performance is in stark contrast to that given to rail.

3. Overall policy / monitoring of bus safety

3.1 The rail industry has two specific bodies that oversee rail safety matters – the Railway Safety and Standards Board and the Railway Accident Investigation Board. This gives the railway industry excellent statistical analysis of trends in accidents and areas of risk. This in turn informs research into solutions and triggers concerted programmes within the industry to tackle and reduce areas of risk and causes of accidents.

3.2 For the bus industry the statistics on risks and accidents are not easily accessible, there is no clear commentary on trends and causes, and no sense that the Traffic Commissioners or VOSA have a clear national strategy for how safety standards can be progressively improved.

4. Safety of vehicles

4.1 We are concerned about vehicle maintenance standards, which is borne out by the high level of prohibition notices issued for buses following spot checks by VOSA. In 2006/7 17% of UK PSVs that were spot-checked by VOSA were subject to prohibition notices, an increase of around 1% on each of the two previous years.

4.2 Concerns about safety standards in the industry are echoed by the Traffic Commissioners in their most recent annual report (2006/7):

'As always, I have looked closely at the calibre of bus and coach operations in the North West and as always, there has been an unacceptable high level of non-compliance.'

Beverley Bell, Traffic Commissioner for the North West

4.3 There have been many examples in recent years of low safety standards on bus fleets. One of the most notable examples was the very poor condition of the GM Buses / UK North fleet in South Manchester. The company was notorious for its role in a 'bus war' with Stagecoach which brought chaos to central Manchester streets.

4.4 Many local transport authorities have limited faith in the effectiveness of the PSV Operator licensing system in ensuring that appropriate safety and maintenance standards are met. For this reason many authorities employ either their own staff, or external agencies, such as the Freight Transport Association, to vet operators before awarding them contracts to operate local bus services. We would therefore like to see greater resources devoted to VOSA inspection of PSV vehicles, depots as well as safety management records, systems and processes. We believe that more inspections will result in safer, better maintained buses contributing to a general improvement in the quality of the bus 'offer' for passengers.

5. VOSA performance at Traffic Commissioner Inquiries

5.1 The quality of evidence provided by VOSA staff at public inquiries by Traffic Commissioners is variable. With operators increasingly using lawyers to defend themselves at public inquiries it is important that the quality of evidence, and the way that evidence is presented, is to a consistently high standard. Otherwise Traffic Commissioners can feel obliged to give operators the benefit of the doubt where an operator's lawyers can identify any procedural or technical errors or inconsistencies in VOSA's representations.

6. Punctuality monitoring

- 6.1 In a telling quote to Transit magazine (24/7/07), Associate Director of the TAS Partnership, Philip Higgs, said:

'Unlike rail operators, bus operators are lagging behind in the publication of performance standards. The reality is that operators do not have monitoring data to demonstrate whether reliability is getting better or worse and where the hot spots are.'

- 6.2 Given this we are very concerned about the feeble and derisory resources which are devoted to monitoring bus operator performance by the DfT (via VOSA).
- 6.3 A Parliamentary Question in 2007 by Graham Stringer revealed that VOSA provides just 10 staff to monitor the reliability of bus services for the whole of England.

	<i>Number</i>
North Eastern and North Western	4
Eastern	1
South Eastern	2
Western	2
West Midlands	1

- 6.4 The most recent annual report (2006/7) of the Traffic Commissioners revealed that:

'Bus compliance matters...did not tell...a positive story. The statistics for the year reveal that very few cases dealing with bus punctuality and reliability were referred to Traffic Commissioners for consideration.'

- 6.5 The lack of resource for monitoring performance nationally is particularly regrettable given the overall paucity of performance data for the bus industry.
- 6.6 In London, and for national rail services, a suite of comparable and appropriately disaggregated performance data is readily available to passenger watchdogs because both London's public transport and national rail services are operated under contracts which specify performance targets and require performance data to be provided.
- 6.7 Performance data for bus services outside London is much harder to come by on a consistent and comparable basis. This is because of the multiplicity of operators that provide bus services and because available performance data is often highly aggregated, patchy or measured in an inconsistent way. The sources of this information also

varies – and ranges from highly aggregated national information, the limited information provided by some operators, or from what emerges from Traffic Commissioner or Local Transport Authority surveys or inquiries.

- 6.8 One of the best sources of information on performance is a by-product of real-time information system, where satellite tracking of vehicles provides in-depth and highly detailed performance information on a real-time basis. However, the performance information that can be derived from these systems is often covered by confidentiality agreements. It seems strange that where these systems exist that the Traffic Commissioners and VOSA are still relying on the availability of a very limited number of officials to stand on street corners with clipboards, when they could be accessing all the performance data they need if they had a right of access to these real time systems.
- 6.9 When 40% of the bus industry's income now comes from the taxpayer (some £2.5 billion) the lack of basic performance data available to taxpayers, passengers and policy-makers alike is remarkable. It also represents a marked contrast with the performance data available for other forms of public transport and other key public services. This is typified by the lack of resources available for service monitoring from VOSA.

7. Relationship between VOSA, the Traffic Commissioners and the new bus passenger watchdog

VOSA and bus service reliability

- 7.1 We are concerned that for VOSA, PSV reliability is a side show compared with its responsibilities for vehicle safety. We note the comments of North West Traffic Commissioner, Beverly Bell, in the most recent Traffic Commissioners annual report:

'While VOSA has always provided an excellent service to me with regard to maintenance and drivers' hours failings, regrettably it has not offered the same level of service with regard to registered service punctuality and reliability monitoring... Since my appointment I have dealt with a number of bus reliability cases as operators' failures were reported to me. I have always regarded it as one of the most important parts of my role. This year I have not dealt with any, and I perceive this to be a direct result of the role of bus compliance monitoring and bus complaints being handed to VOSA. In my view it is simply not equipped to deal with these matters... VOSA is essentially a road safety enforcement agency and I think that it does not understand the nuances of registered service issues.'

Relationship between Traffic Commissioners and VOSA

- 7.2 A cursory examination of recent Traffic Commissioner annual reports suggests that the relationship between VOSA and the Traffic Commissioners appears to be less than harmonious. It must be a distraction from the goals of improving bus safety and reliability when the two organisations responsible for delivering it appear to have such a fractious relationship and what appears to be a clash of cultures and approach.

Relationship between Passenger Watchdog, Traffic Commissioners and VOSA

- 7.3 We are concerned that little thought appears to have been given to the relationship between the Traffic Commissioners, VOSA and the new bus passenger watchdog. For example there was no mention of the Traffic Commissioners in the DfT's initial consultation on the role and remit of the Watchdog.
- 7.4 This is surprising as the Traffic Commissioners are the main instrument by which poor performance in the deregulated bus industry can be addressed and they have significant powers to investigate and, where necessary, to penalise. In effect, outside London, the Traffic Commissioners are the only passenger watchdog with teeth (other than the local transport authorities on tendered services). If the Bus Watchdog is to be able to stand up for passengers - where services are manifestly below what could be reasonably expected - then there should be good links between the Watchdog and the Traffic Commissioners so that the Watchdog can be seen to be acting effectively for passengers. There also need to be mechanisms by which performance and complaints data are shared by, and with, the Traffic Commissioners to enable poor performance to be identified, and where necessary, enforcement measures to be best targeted.

8. A wider role for the PTEs on bus performance monitoring?

- 8.1 The PTEs have no desire to take on a safety monitoring or enforcement role for buses. However there is a case for PTEs to take on a greater role on the monitoring of bus performance and reliability. Some PTEs already do their own monitoring of bus performance – either via real time software or through on-street surveys. Some of this information is shared with the Traffic Commissioners.
- 8.2 There is an argument for PTEs taking on the bus performance monitoring role on a more formal basis. If this were to happen (alongside Passenger Focus extending its role to buses) there is an opportunity to improve the overall robustness and effectiveness of performance monitoring and enforcement. This could take place alongside the establishment of a more credible system for passenger complaints and feedback.

- 8.3 Under this scenario, if Passenger Focus has a role on passenger complaints, and the PTEs have a stronger role on service monitoring (which they route into the Traffic Commissioners) then this would give the Traffic Commissioners a much better data set about performance problems. They could then target their enforcement activities more effectively for the net benefit of passengers.