



CONSULTATION RESPONSE FORM

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If you would like your response or personal details to be treated confidentially please explain why:	

Question 1: for example - Do the guidance and directions provide sufficient clear details to inform industry and other stakeholders? If not, what changes would you make and why?	Yes <input type="checkbox"/>	No X <input checked="" type="checkbox"/>
Answer 1: We welcome the intent in the guidance to <ul style="list-style-type: none">- Tighten up on punctuality standards- Require greater monitoring of performance from operators However we also believe there is scope for devolving the regime for punctuality standard setting, monitoring and enforcement, where Local Transport Authorities have the resources and ambition to do so (see answer 4) On punctuality standards there may need to be greater explanation on what is meant by 'proper monitoring of all their services' especially for small operators who do not have RTI equipment given that 100% monitoring of all services would presumably mean arrival and departure times at all bus stops and terminals would need to be carried out manually. Where RTI data is not available then some guidance on sample sizes could be helpful. The guidance might also provide greater clarity on access to performance data in general and RTI data in particular. At present RTI data is often covered by confidentiality agreements imposed by operators (and endorsed by the DfT's PIP guidance) which means that the bodies responsible for overseeing performance (Passenger Focus, VOSA and the Traffic Commissioners) are often unable to have access to it. This is manifestly absurd when a) RTI data has been subsidised by the taxpayer through the BSOG incentive regime b) when performance data is readily available for rail c) the Government has a wider commitment to open data d) there is a consensus amongst all parties in the bus debate on the importance of bus punctuality. This could be addressed by changes to BSOG conditions for example. This might be outwith the STC's control but given the stress on recording and monitoring of performance information the guidance is somewhat vague about the status of the data, who is allowed access to it, and what the STC in particular will do with it. We would suggest that the guidance should at the very least say that the STC expects that RTI punctuality data should be available to a) Passenger Focus, VOSA and the Traffic Commissioners, and b) the wider public, in a way that allows the bodies charged with overseeing bus performance to assess the performance of bus services and the causes of punctuality issues, and which enables the general public to have a reasonable overview of the punctuality and reliability of bus services in their area. The way this is achieved in each area could be agreed by the Traffic Commissioners and the Local Transport Authorities / operators in each area.		

One of our members has also commented that there are issues around the technical requirements of RTI systems in order that they generate the data needed for these tasks.

Question 2: for example - Do any parts of the guidance and/or directions require clarification? If so, please refer to the paragraph number and explain why.

Yes x

No

Answer 2:

The language used in the draft is too often general and imprecise which will lead at best to confusion on how to interpret the guidance and at worst the intent behind the guidance being neglected.

For example:

- 'Instances of partnership working need to be notified to the relevant traffic commissioner' (para 88). Partnership working covers a multitude of activities which are often undertaken in an ad hoc way and through various documents. If LTAs were to provide the Traffic Commissioners with all instances of partnership working then the Traffic Commissioners could potentially find themselves with too much out of context information which they do not have the resources to process.

Usually documents of this type use phrases like 'best endeavours', 'satisfy themselves that', 'reasonable' and so on in order that those affected by the Guidance can be clearer about what they are expected to do, and also are able to exercise their own judgement about what they need to do to satisfy the guidance and the intent behind it.

In addition the requirements for those affected by the Guidance are scattered through the document in phrases that overlap but are inconsistent and have a confusing cumulative import.

For example for Local Transport Authorities...

- Operators are...expected to establish a full and regular dialogue with local authorities to ensure that they receive advance notification of planned road works wherever possible (para 77)
- Instances of partnership working need to be notified to the relevant traffic commissioner (para 88)
- To provide bus operators with detailed, frequent, clear and advanced information about emergency and programmed works on the highway (both highway and statutory undertaker works)... (para 91)
- To provide bus operators with detailed and sufficient notice of the works on the highway giving as much notice as possible (para 91)
- To provide full and detailed evidence of partnership working with the relevant operators on reliability and punctuality, including the development and implementation of joint action plans to deliver high standards (para 91)
- Where partnerships are in place it is essential that these are notified to the relevant traffic commissioner (para 95). Traffic commissioners should expect partnerships to share reports on the levels of punctuality and reliability on which performance was benchmarked and any progress reports. They will ensure that they understand what actions the partnerships is proposing to take meet its target and can assess whether the actions have been taken and the progress being made (para 96)
- Traffic Commissioners should expect partners to have regular and effective liaison meetings to discuss concerns and review the plan to ensure that it remains appropriate (para 98)

It would be better to summarise somewhere in the document what is expected of Local Transport Authorities and use more consistent, and less general, language (see above).

It would also be helpful to be more precise in the use of the phrase 'local government' as not everywhere has single tier local government. For example in the Metropolitan areas (which serve 11 million people) the PTE is the local transport authority for bus services but the District councils are the highways authorities.

Other terms used could also made clearer. One of our members has made the point that automated reporting systems will need the window of tolerance to be translated into very precise times, as at the moment it's unclear.

Question 3: for example - Are there any aspects of guidance and directions which, as drafted, should not be included? If so, please explain why.

Yes x

No

Answer 3:

We believe that paragraph 35 overstates the case when it says that: *'Delivering punctual and reliable services is a joint responsibility between operators and local authorities. This joint accountability is reflected in the statute and has been statutorily acknowledged and whilst in the past traffic commissioners could only take action against operators, they can now also take action against local authorities.'* There are many examples of where punctuality problems are entirely within the operators' control – such as poor fleet maintenance, and understaffing. A cursory examination of TC inquiries shows this to be the case. Although we recognise that the STC may wish to give the impression of being 'even handed' this cannot be at the expense of the realities of the true balance of responsibilities and local authorities cannot be expected to have joint responsibility when in many cases they have no influence over the punctuality of services. Indeed even where road traffic conditions are a factor in poor punctuality it is ultimately the responsibility of operators to respond in the way that they schedule and manage their services. In addition the legal sanctions available to the Traffic Commissioners are not weighted equally between operators and local transport authorities. The Traffic Commissioners are primarily about regulation of vehicle operation not the management of road infrastructure. We therefore suggest that the wording is changed as follows:

35. Whilst delivering punctual and reliable services is the responsibility of the operator, it is acknowledged that the local authority has a significant influence in how the operator achieves this given their network management duty. Partnerships will therefore form a key role, for both operators and local authorities, to improve bus punctuality.

All of which in no way should be taken as suggesting that PTEs are not strongly committed to doing all that they can to improve bus punctuality as the considerable investment in bus priority measures shows. Indeed we think there is a case for the guidance to seek to ensure that if significant changes in bus priority are proposed by a Local Transport Authority then the TCs should be consulted on the basis of the reasoning behind the changes, and on the planned evaluation of how the impact of the changes is to be monitored, assessed and acted upon.

Having said that, the role that PTEs and LTAs can play in bus punctuality needs to be assessed in a realistic way which maps onto an accurate assessment of the balance of responsibilities for punctuality problems and the relative sanctions available to the Traffic Commissioners. This feeds through into the section on roadworks. Although we share the objective of ensuring the impact on bus punctuality and performance from roadworks is minimised the section on road works veers between highly prescriptive detail, and general and imprecise language, and may be difficult to implement in the way the text suggests.

Annex two

'It is therefore expected that local transport authorities will give consideration to the introduction of diversions for all traffic other than buses where indeed it is still possible for through travel and rather than have all traffic slow down progress, the bus will then have greater opportunity on its own to follow its registered timetable.'

'Local transport authorities should consider that bus services are not to be regarded as general traffic as now, but as an essential public service with which deliberate interference should be avoided.'

It goes on to set out a protocol for arrangements on roadworks between an operator and a Local Transport Authority.

There are issues here around whether it is practical or sensible to have LTA's duties on roadworks covered by one set of legislation (covering all traffic) and a specific sub-arrangement for bus services (which is difficult to enforce given the Traffic Commissioners lack of sanctions over LTAs). Other guidance on Punctuality Improvement Partnerships (in which logically arrangements for dealing with roadworks would best sit) have had a mixed record with many areas not having a PIP (see above).

There's a danger that following prescriptive – but unenforceable – guidance will become a burden for those LTAs that already have good working relationships with operators on dealing with roadworks, whereas those LTAs that do not will in effect ignore it.

There are also complexities around the fact that LTAs are not in a position to deliver on the full intent of the guidance given the key role of utility companies. The guidance is probably most applicable to pre-planned LTA roadworks and the text could perhaps be better structured around the different types of roadworks and how an LTA could reasonably be expected to work with operators given existing legal frameworks (including the mismatch between the minimum notice of road works under the Road Traffic Regulation Act 1984 for example) and the 56 days notice of changes to bus services under other legislation.

Question 4: for example - Are there other provisions not included in these guidance and directions that should be? If so, please explain what they are.	Yes x <input type="checkbox"/>	No <input type="checkbox"/>
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Answer 4:

There is no reference in the guidance to Punctuality Improvement Partnerships (PIPs). PIPs are the last major government initiative in this area which both LTAs and Operators signed up to. The specific intent of this initiative was precisely to tackle many of the objectives set out in the guidance (ie to ensure that operators and local transport authorities work together to improve bus performance). The record of implementation of the guidance may be mixed but the concept of having a regular forum and a formal mechanism between operators and local transport authorities would seem to be the best way of ensuring that the TCs have a single channel for the information they have asked for in an ad hoc and general way in the guidance (on partnership arrangements, arrangements for roadworks and so on).

One option would be to encourage the establishment of PIPs - or arrangements which fulfil the attributes of a PIP but might have a wider role in bringing together the various interested parties (including bus operators) on highways management issues. These PIPs (or equivalent arrangements) could then be asked to provide a six monthly update for the TC for their area on their activities and plans.

Where there is no PIP or equivalent arrangement the LTA could still be asked to provide a six monthly update or rather than being specific the guidance to the Traffic Commissioners could require them to engage with each LTA (or PIP or equivalent where they exist) to a standard and level of detail to be agreed between the TC and the relevant Local Transport Authorities in a way that ensures the TCs has an understanding of the key punctuality challenges in their area, and the actions being taken to address them but in a way that is consistent with the resources available of both the LTA and the TC to provide and process that information without creating undue burdens.

Some of our member authorities have suggested that the guidance should be more radical in scope than is currently envisaged in that it should allow for more local flexibility in determining punctuality standards and the arrangements for their enforcement in line with local circumstances and ambitions. For example in busy urban areas where traffic congestion is heavy, it may be appropriate to have different punctuality standards than in rural areas where there is no traffic congestion. Where a local transport authority is in a position to do so, and has the resources, they would be arguably better placed to carry out the monitoring of services than the under-resourced combination of VOSA and the Traffic Commissioner. Going further there could be scope for local punctuality standards and enforcement and penalty regimes that would be allied to local circumstances and could recycle any penalty payments into improvements to local bus services.

One of our authorities has also suggested that given the guidance is from the Senior Traffic Commissioner to Traffic Commissioners it should focus on what TCs should be expected to do and allow them to find ways of achieving this in a way that is workable locally. So for example: the Traffic Commissioner should be required to:

- engage with each LTA to a given standard and provide details of this regular engagement process
- ensure that local bus operations and LTA work on punctuality is at a statistically valid level.
- demonstrate a full understanding of local partnership arrangements, and protocols (or equivalents) for roadworks.
- demonstrate clarity on the specific continuous actions it will take on both sides for any operator/LTA who does not adhere to the guidance.
- demonstrate how this work will interact with passenger focus work and with the local travelling public.

- allow locally determined standards and a devolved locally agreed enforcement process.

We would also like to highlight that **pteg** has recently commissioned a piece of work on how the overall bus punctuality regime could be made more workable and coherent, which will go beyond the scope of the guidance to include the wider legislative and organisational framework. This will not be ready in time for the consultation deadline but we hope that it can inform the wider context in which the guidance sits.

The need for a more far reaching review is apparent given the fact that PIPs (the last major joint Government, industry and operator initiative in this area) are not mentioned once in the draft guidance. This is symptomatic of the wider confused and inefficient arrangements for monitoring and enforcement of bus performance which is opaque to many in the transport industry and unintelligible for bus users themselves and which involves multiple key players including VOSA, the police, Passenger Focus, the Traffic Commissioners, Local Transport Authorities (and in Met areas there is a division between the highways authorities and the public transport authorities), multiple bus operators, and PIPs where they exist.

Question 5: for example - Are there aspects of these Guidance and Directions which seem likely to increase your financial or administrative burdens? If so please explain what they are and, if relevant, what changes would reduce the increase.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Answer 5:

Clearly there is potential for an increase in financial and administrative costs for most parties – including operators, the Traffic Commissioners and local transport authorities. However, this is a further argument for having a more systematic approach to bus performance monitoring and enforcement (where a balance between effectiveness and proportionality can best be struck) rather than an ad hoc system

Please send your completed form to: sstcconsultations@otc.gsi.gov.uk or by post to:

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Please ensure that if you submit your response by post it is clearly marked for the attention of Corrina Bielby.

The deadline for responses is: 13th November 2013