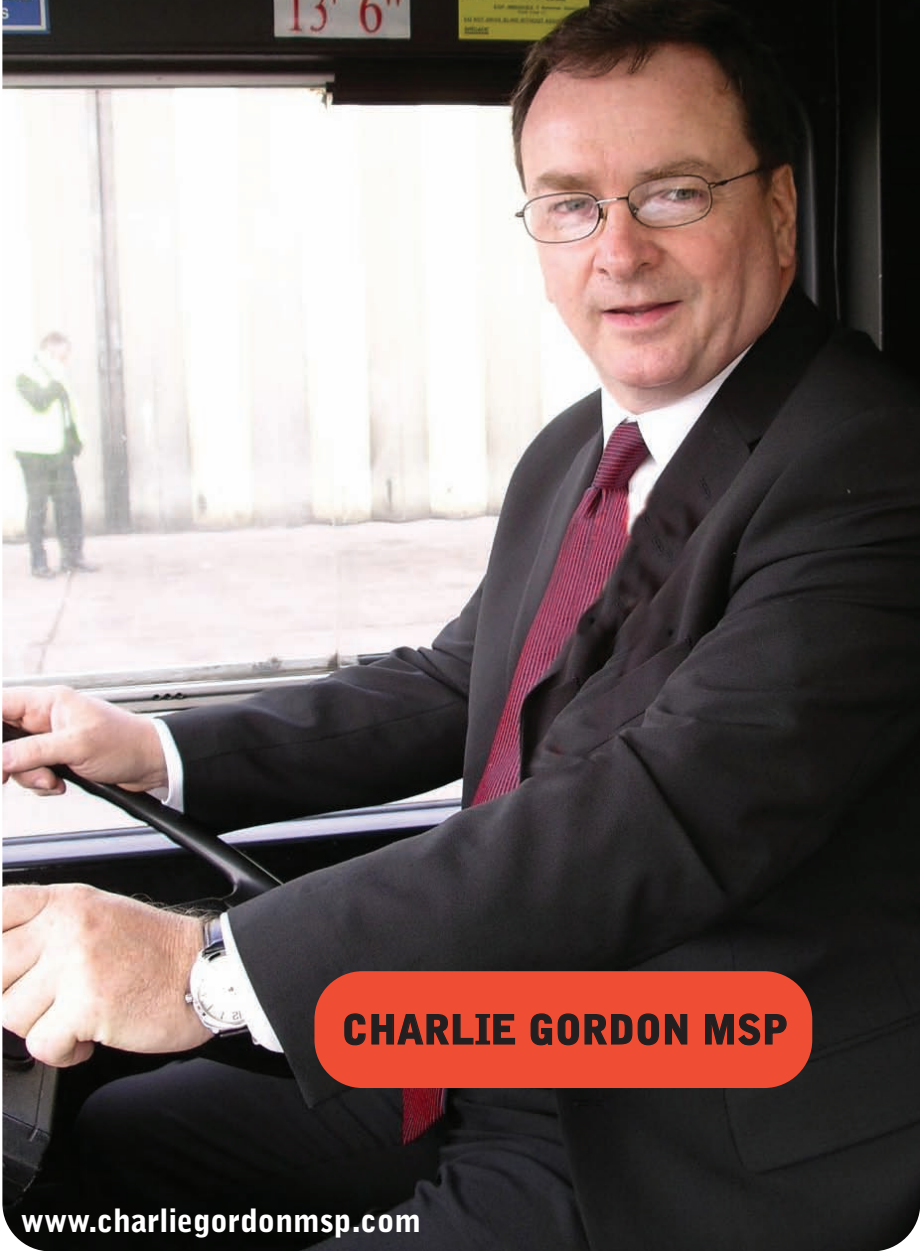


# Regulation of Bus Services Bill

PUBLIC CONSULTATION DOCUMENT



**CHARLIE GORDON MSP**

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## Section 1: Introductory Summary

Buses are the most commonly used form of public transport in Scotland and provide a vital service. There has been a growth in bus patronage in six of the last seven years, reversing a longer-term decline. Some 482 million passenger journeys were made by bus in 2006/07 the highest figure in a decade.

A total of 322m vehicle kilometres were covered by commercial services, 55m vehicle km by subsidised services and an unknown distance by community transport organisations. The Scottish Government and local authorities spent more than £ 250 million on support for bus services in 2006/07.

But, despite this significant public investment, there is little regulation of how the bus industry used this money to improve services for travellers. Under existing rules, councils only have powers to dictate timetables and fares in very limited circumstances , and the Traffic Commissioner who acts as the UK Government ' s bus watchdog , tries to ensure that bus operators keep to registered and advertised timetables and operate safe and roadworthy vehicles.

A Scottish Government-commissioned survey and information published by Scotland's regional transport partnerships, suggest that bus services are of a high overall standard in some parts of Scotland. However, local bus services are generally not comprehensive enough to meet the needs of local people in many communities.

There is a shortage of adequate bus services in the evenings and on Sundays in some urban areas and in rural areas, such as the North East of Scotland and Argyll and Bute, services are generally thin on the ground and too infrequent to meet demand. In the Western Isles, for example, there are no commercial bus services ; only those run by the local authority.

The Transport (Scotland) Act 2001 gave councils powers to regulate bus services by specifying services, routes fares and vehicle standards through Statutory Quality Partnerships (QPs). But seven years on, no QP has been set up.

## 4 Regulation of Bus Services Bill

The reason for this, according to a Scottish Parliament transport Committee investigation in 2005, is that councils are reluctant to become involved in the bureaucratic, time-consuming and expensive consultations required to create QPs.

It's clear that, in some parts of Scotland, market forces have failed to meet the public's aspirations for bus services and standards and therefore, regulation is required; that is the purpose of the Regulation of Bus Services Bill, which has been formally lodged and on which Public Consultation has started.

The draft Bill proposal lodged with the Scottish Parliament is:-

**Regulation of Bus Services Bill: Draft bill proposal to provide transport authorities with powers relating to the provision of local bus services and their standards and to widen the National Bus Travel Concession Scheme**

The Bill aims to :-

Amend the procedures specified in the 2001 Transport Scotland Act, to make it easier, quicker and less expensive for Councils to respond to market failure in local bus markets by developing the statutory Quality Bus partnerships and Bus Contracts provided for in the 2001 Act.

-Authorise free bus travel for anyone in receipt of the lower rate of Disability Living Allowance, and their carer or escort.

-Extend the current concessionary scheme to include community transport organisations, which operate bus services in predominantly rural areas where there are no commercial services, improving public transport access for older and disabled people and encouraging increased bus travel

Have an accompanying Policy memorandum to bolster the Employment Rights of Bus Workers affected by it through a Protocol to be agreed between the Scottish Government, COSLA and Trade Unions, similar to the protocol of 2002 which bolstered the Employment Rights of workers affected by PPP projects.

**The draft Bill proposal has been lodged:**

- In response to concerns expressed by members of the public and other interested parties about the inadequacy of various aspects of some bus services;**
- To remove ambiguity in bus policy and consequent uncertainty for operators and the travelling public;**
- In response to complaints by disabled persons in receipt of the lower rate of Disability Living Allowance who did not have their entitlement cards for the Disabled and Older Persons Bus Travel Scheme renewed, and;**
- In response to views expressed by MSPs and by other interested parties that bus services operated by Community Transport organisations and services should be included in the concessionary scheme in response to local demand.**

**Quality Partnerships (QPs) and statutory Quality Contracts (QCs), which give transport authorities a greater say in specifying bus service standards, can only be established after extended consultation with the public in the area affected.**

**These allow transport authorities to provide bus lanes or bus shelters in return for minimum service frequencies or particular types of vehicle. Other benefits can include GPS tracking systems, which display minute-by-minute updates of bus arrival times on key routes. Buses that are behind schedule can be assisted by the technology's ability to change priorities at traffic signals.**

**CCTV systems can be specified to improve passenger safety.**

**The contracts last a minimum number of years, allowing operators to receive a payback on their investment in modern buses and associated technology.**

## 6 Regulation of Bus Services Bill

A recent survey of disabled people across Scotland by the charity, Leonard Cheshire Disability, stated that 45% of respondents found buses “fairly or very difficult to use.” 80% of respondents who used wheelchairs on buses found buses “either very or fairly difficult to use.” Almost a third of the respondents to the survey (32%) “had used a bus just once in the past year or had not used a bus at all.”

The charity recommended that bus operators should expand the numbers of low floor accessible buses to ensure that 100% of its fleet was accessible well before the 2017 deadline under the Disability Discrimination Act 2005, which governs vehicle standards.

The MVA Consultancy, in its “Summary of Issues for Buses in Scotland” for the Scottish Government, said that there were many examples of excellent bus provision in Scotland, backed up by high levels of overall satisfaction.

But it concluded: “There are areas, notably in the West of Scotland, where the quality of service is poor and the service in the evenings and on Sundays is restricted. In addition in parts of rural Scotland, bus services are too thin to provide the service which people seek.”

A high level forum of senior decision-makers from local and central government, the bus industry and its regulatory agencies concluded earlier this year that improved quality was key to persuading increasing numbers of drivers to leave their cars at home and travel by bus. The Scottish Government's own Bus Action Plan and its recently-issued Guidance on Bus Services, both leave the door open to further regulation, reflecting the inconclusive outcome of Scottish Parliamentary Debates in recent years.

Given persistent public concerns over bus services as reflected in Parliamentary proceedings, it is reasonable to have a more focussed debate on the advisability of further regulation of Scotland's bus services, informed by evidence from all interested parties.

This Public Consultation provides the opportunity to do so.

**The Public's views and comments on Scotland's bus services are sought; either by answering the questions in the accompanying Consultation document and/or submitting your own comments by no later than Friday 27 February 2009 to:**

**Charlie Gordon MSP  
The Scottish Parliament  
Edinburgh  
EH99 1SP**

**Or email to: [charlie.gordon.msp@scottish.parliament.uk](mailto:charlie.gordon.msp@scottish.parliament.uk)  
Or fax to: 0131-348-6873**



**CHARLIE GORDON MSP**

**November 2008**

### Section 2: Legislative Background

The current framework

#### *Scottish Legislation*

The Transport (Scotland) Act 2001, provides for statutory Quality Partnerships (QPs) and statutory Quality Contracts (QCs), both of which give transport authorities powers in relation to setting bus service standards.

#### **Quality partnership schemes**

A stated aim of the Transport (Scotland) Act 2001 was “to establish a statutory framework for quality partnerships, under which local authorities and operators agree to provide improved facilities for the benefit of local bus users”.<sup>1</sup>

Local transport authorities, either alone or jointly, can set up quality partnership (“QP”) schemes if this will to any extent implement their relevant general policies (defined under the Act) and either improve the quality of local services and facilities provided in a particular area, or reduce or limit traffic congestion, noise or air pollution.

QPs can only be established by transport authorities and bus operators after due notice to and consultation with the public in the area affected.

Under a QP, a transport authority may provide certain facilities such as bus lanes or bus shelters and in return the bus operator must meet specified standards, e.g. a minimum service frequency or using a particular type of vehicle. QPs last a minimum of 3 years and a maximum of 7 years; they must include dispute resolution procedures and they can connect with bus services which are not a formal part of the QP.

#### *Quality contract schemes*

Should a QP collapse or not be thought suitable for a particular area, a quality contract scheme (“QC”) may be introduced, subject to consultation and to Ministerial approval. A QC allows the transport authority to determine levels and standards of bus services for their area and to secure these through a competitive tendering exercise which grants the successful tender exclusive rights to operate in the specified area. In a QC area the Traffic Commissioner would not register any bus services that were not party to the QC. The local authority, not the Traffic Commissioner, would monitor and manage the QC bus operations.

### *The current situation in relation to QPs and QCs*

No statutory quality partnerships or quality contracts have been established since the Act was passed in 2001. In its 4th Report, 2005: Inquiry into issues arising from the Transport (Scotland) Act 2001, the Local Government and Transport Committee of the Scottish Parliament concluded that there was little incentive for councils and bus operators to enter into QPs, due to significant development costs and little evidence that they would offer much more than was already available through voluntary partnerships.

The report stated that there may be scope for the development of statutory QPs in some parts of Scotland, particularly once the new Regional Transport Partnerships then proposed under the subsequent Transport (Scotland) Act 2005, were in place.

### *UK legislation*

Municipal and Nationalised Bus Operators throughout the UK were abolished by the Transport Act 1985, which left commercial bus services in the UK (outside London) operating in a de-regulated framework. Scottish transport authorities currently spend some £45 million per year on such services. 2

In other parts of the UK outside London, there have been recent legislative initiatives relating to the bus industry. At Westminster, the Local Transport Bill proposes enhancing the powers of statutory local Bus Quality Partnership Schemes (QPs) so that transport authorities may specify bus fares, timetables etc as part of agreements. It also proposes that the requirement for quality contract schemes in England to be approved by the Secretary of State should be abolished and instead a new type of board should be established to carry out that function.

A Member of the Welsh Assembly is promoting a Legislative Competence Order called the "Provision of Bus and Coach Legislative Competence Order" 3 designed to ensure "...that less profitable but socially valuable routes are properly served."

### *Traffic Commissioner*

The Traffic Commissioner, appointed by the UK Government, registers and monitors bus services and deals with complaints about matters such as late running, vehicle standards and driver behaviour but not such matters as fares, frequencies or routes.

## QUESTIONS

- 1** Why have no transport authorities or bus operators yet implemented a statutory QP under the 2001 Transport (Scotland) Act?
- 2** How do you think bus services in your area could be improved? Do you think that more regulation via quality partnership and quality contract schemes would improve bus services?
- 3** 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?
- 4** What are your views on simplifying how quality partnership and quality contract schemes can be set up? How can the process be simplified?
- 5** What are the costs involved in implementing a quality partnership or quality contract?
- 6** What are your views on abolishing the requirement for quality contract schemes to be approved by Scottish Ministers? What should the alternative be?

## Section 3: Bus Operations

The Scottish Government's Bus Action Plan was informed, in part, by a "Bus Policy Overview" conducted in May and June of 2006, which involved "...key stakeholders, Bus User Quality Audits of local bus services, analysis of correspondence from the public and MSPs and a literature and statistical review conducted by consultants, MVA Consultancy"

In its "Summary of Issues for Buses in Scotland" the Bus Action Plan states: "The Bus Policy Overview found many examples of excellent bus provision in Scotland, backed up by high levels of overall satisfaction. There has been a growth in bus patronage on 6 of the last 7 years, which reverses the longer term decline in bus usage, though the upward trend is influenced by growth in concessionary travel..."

"In broad terms, there are strong examples of partnership in many parts of Scotland, but there are areas – notably in the West of Scotland – where the quality of service is poor and the service in the evenings and on Sundays is restricted. In addition in parts of rural Scotland, bus services are too thin to provide the service which people seek." 4

In 2006/07, some 482 million passenger journeys were made on Scotland's local bus services; the highest figure in a decade. 322m vehicle kilometres were covered by commercial services and 55m vehicle kilometres by subsidised services in 2006/7. 5

So today, do the whole of Scotland's bus services add up to a transport network which is greater than the sum of its parts?

The Transport (Scotland) Act 2005 placed a duty on the Scottish Ministers to create statutory regionally-based Transport Partnerships, covering every part of Scotland. Whilst recognising the achievements of the existing voluntary regional transport partnerships in place, the Executive considered that there was "a need for more formalised, integrated transport bodies at regional level." 6

The following summaries of bus services in the various areas of Scotland covered by RTP's were recently published on the websites of the RTPs.

Bus services in the Highlands and Islands are described as follows by the Regional Transport Partnership for the region (HiTrans):-

Direct bus services to areas outside the region operate from Inverness, Campbeltown, Fort William, Oban and Skye. Most routes tend to be served by only one operator meaning that competition, where it exists, tends to come from rail services.

There is often a reliance on home to school transport services, and for some communities there is no public transport at all.

Subsidised bus services make up a large proportion of the local bus network in the region. This is particularly the case across the island networks and in the far north and west mainland. The remainder of the local bus network consists of commercially run services, at least during the day, over which local authorities have limited influence.

Many places are served by both local services and the longer-distance coach network, yet limited frequencies away from all but the main routes severely limit opportunities for commuting and travelling to other time-sensitive destinations. Local transport services tend to consist of radial bus services out of the main built up areas, such as Inverness, Elgin, Oban, Thurso, Kirkwall and Stornoway. Many of these services will be at most hourly Monday to Saturday. Many places have only three or four buses per day and some of the more remote areas have only a daily Postbus or school bus. In the most remote areas, bus services tend to consist of a morning service and an afternoon service, perhaps with the addition of a shopping run in the middle of the day.” 7

Bus services in the Aberdeen City and Shire regions are described as follows by the Regional Transport Partnership for the region (NESTRANS):-

“Buses are the most commonly used form of public transport and provide a vital service for people living in both urban and rural areas.

Proposals for improving bus travel in the north east encompass bus priority measures, better buses and infrastructure and information improvements.

Investment in bus lanes will continue on major routes into the City, in conjunction with new Park and Ride facilities, enforced where appropriate using cameras. Measures to provide buses with priority at traffic lights will also be extended to key locations in the region. Passengers will see the benefits of new low-floor buses, which are being introduced on more routes and improved waiting and interchange facilities, often coupled with real-time information.

A renewed Quality Partnership for Public Transport, signed by Aberdeenshire and Aberdeen City Councils, First Aberdeen and Stagecoach Bluebird, was launched by the then Transport Minister, Tavish Scott MSP in October 2005.” 8

Bus services in the South East of Scotland are described as follows by the Regional Transport Partnership for the region (SEStran):-

The Bustracker project was developed by City of Edinburgh Council and Lothian Buses from 2002 with the aim of providing accurate and reliable real-time passenger information for bus services across the City.

The state-of-the-art system uses a satellite tracking system to display minute-by-minute updates of bus times at stops across Edinburgh. SEStran aims to build on the success of this project by rolling it out throughout the South East of Scotland, initially in East and Midlothian

In cooperation with our partnership authorities, SEStran aims to extend real-time bus passenger information throughout the region.

The first stage of the project will be rolled out across SE Scotland beginning in the 2008-9 financial year.” 9

Here is what SWESTRANS, the Regional Transport Partnership for Dumfries and Galloway region, says about local bus services in that region:-

“As part of a balanced transport strategy the provision of good, reasonably priced public transport services is essential. Since bus operators provide few services commercially, this is done by providing the additional services required through local bus operators under contract to the South West of Scotland Transport Partnership (SWESTRANS).” 10

Local bus services in the Shetland Islands are provided by the Shetland Regional Transport Partnership, (ZetTrans) and operated by a number of local bus operators 11.

A report prepared for Tactran, the Regional Transport Partnership which covers Tayside, Angus and Stirling, summarised bus services as follows:-  
Scheduled Bus Service Provision

“Overall, the audit and consultation has highlighted a number of gaps in service provision across the region. These are primarily in rural areas, where frequencies are often low. The highest frequency services are clustered around the main cities and towns in the area, Stirling, Perth, Dundee, and to lesser extent around Carnoustie, Arbroath, Montrose and Forfar. However, there are also gaps in provision in these urban areas in the evenings, even where daytime services are adequate.” 12

Notwithstanding the non use of the QP and QC options available under the Transport (Scotland) Act 2001, and in addition to the tendered services procured by local authorities under the 1985 Transport Act, there are a number of voluntary partnerships which have been developed by local authorities and bus operators to enhance and develop bus services and associated infrastructure.

In November 2006, a “Stability and Growth Pact” was agreed between Glasgow City Council, Strathclyde Partnership for Transport and First Bus Glasgow.

The main objective of the pact included increasing patronage on First in Glasgow services by 4% annually; minimising the number of network changes made each year; and improving bus quality.

The pact laid joint obligations on each of the signatories, together with other obligations which each committed to deliver individually. First in Glasgow committed itself to prepare an annual route development plan

outlining all proposed network changes within its operating area; to discuss the contents of the plan with SPT and GCC; and to seek a general consensus on their proposals as far as practicable.

The Stability and Growth Pact builds upon a previous initiative between the three partner agencies: “Streamline”.

“Streamline” is a bus information and signalling system used on key arterial bus routes to and from central Glasgow. It uses global positioning satellite technology to track the movements of hundreds of buses en route.

Buses that are behind schedule can be assisted by the technology’s ability to change priorities at traffic signals en route; passengers at bus stops read real-time information on a screen, thus knowing when the next bus is due.

First Bus Glasgow deployed 220 new, lower-floor buses on “Streamline” routes; some buses are fitted with CCTV to monitor anti-social behaviour on board. Vehicle accessibility is further enhanced with improved kerbs at bus stops.

On 11th June 2008, Glasgow City Council considered a Report by Mr Robert Booth, its Executive Director of Land and Environmental Services, recommending that the Council, in partnership with Strathclyde Partnership for Transport, the RTP for the west of Scotland, and with various bus operators, should develop a statutory bus QP scheme for a number of main routes serving the City. Mr Booth’s Report predicted that the earliest such a scheme could commence would be November 2009. <sup>13</sup>

In an article about the proposal in the June 9 2008 edition of the “Evening Times” newspaper, Mr Booth was quoted about some bus operators in Glasgow causing congestion and pollution in the City. The article stated that between March and May 2008, a total of 31 bus operators had been reported to the Traffic Commissioner for a total of 424 alleged breaches of regulations. <sup>14</sup>

In an article in Holyrood magazine of 8th September 2008, the Traffic Commissioner for Scotland, Joan Aitken, was quoted as praising the work done by “Bus Wardens” employed by SPT in monitoring time keeping, vehicle standards etc of bus services in the West of Scotland and in reporting to her office any apparent breaches of regulations for which she is responsible for enforcing.

Ms Aitken said: “I see it as an excellent development in terms of using the current regulatory tools and the current regulatory framework to improve conditions for the bus passenger and for good operators, because good operators are let down by bad operators, that’s unfair competition. So I think its in the interest of good operators that this happens as well, and good operators have nothing to fear.” <sup>15</sup>

Given the above, and given the similar monitoring and reporting done by Glasgow City Council staff, it may be inferred that the staff employed directly by Scotland's Traffic Commissioner on such duties are an insufficient resource to deal with the current operational bus scene.

Yet a recent survey by the charity, Leonard Cheshire Disability of disabled people across Scotland states that 45% of respondents found buses "...fairly or very difficult to use." 80% of respondents who used wheelchairs on buses found buses "...either very or fairly difficult to use."

32% of the respondents to the survey "...used a bus just once in the past year or had not used a bus at all."

One of the recommendations about buses made by Leonard Cheshire Disability, arising from its survey of disabled people across Scotland was:

"Make a priority expanding the numbers of low floor accessible buses. Scottish transport providers should be taking a lead by aiming to ensure that 100% of its fleet is accessible well before the 2017 deadline." 16

The "2017 deadline" is the deadline given to bus operators under the Disability Discrimination Act 2005, which governs vehicle standards.

Enforcement of current vehicle standards apart, the higher vehicle standards, implemented more quickly, advocated in the Leonard Cheshire report can be met by making it easier for Transport Authorities to implement QPs and QCs, as my Bill proposes.

Similarly, the issue of driver and passenger safety on buses, given incidences of anti-social behaviour by a minority of other passengers, raises the issue of whether CCTV should be standard on new buses, as suggested by the UNITE union, which represents many bus workers.

Again, this is a matter which could be stipulated within a statutory QP.

Other potential benefits of regulation of bus services include more co-ordination and integration between the various transport modes and more through ticketing for passenger convenience.

## QUESTIONS

**7** The Scottish Government's "Bus policy Overview" of 2006 said "...there are areas – notably in 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?

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

**9** How effective are voluntary partnerships between local authorities and bus operators in Scotland?

**10** How could improved regulation of bus services support the work of the Traffic Commissioner in Scotland?

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

**12** 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?

## Section 4: Public Funding For Buses

Bus operators in Scotland in the past year have been affected by various financial issues i.e. the Scottish Government's Budget, UK Government fuel duties and by the "credit crunch"

The Bus Services Operating Grant (BSOG), formerly fuel duty rebate (FDR), reimburses public transport operators a percentage of the fuel duty paid. It enables bus operators to assist passengers by keeping fares down and retaining marginally viable routes. BSOG is mileage based and so is especially important for rural services.

The consequences of funding shortfalls according to the Confederation of Passenger Transport (CPT), include "Fare payers will have to meet the Government's funding shortfall through the fare box" and "Reductions in service provision, particularly in rural areas or to evening and weekend services." 17

But, in evidence to the Scottish Parliament's Transport, Infrastructure and Climate Change Committee on 9th September 2008, the Cabinet Secretary for Finance and Sustainable Growth, John Swinney MSP, said:

"The increase in fuel duty in October 2007 and the decision not to uprate BSOG at that time resulted in an increase in bus operators' average operating costs of about 0.5 per cent. We must consider the decision in the context of financial support from the public purse to the bus industry, which will be in excess of £280 million each year. I will shortly discuss the issues further with the Confederation of Passenger Transport and I will listen carefully to and consider the points that the CPT makes. Mr Stevenson has also had discussions, into the bargain." 18

The Scottish Government's funding for BSOG covering financial years 2008/09, 2009/10 and 2010/11 in real terms is £61.2m, £59.6m and £58.0m respectively.

The Scottish Government's funding to reimburse bus operators for participation in the national free travel scheme, covering financial years 2008/09, 2009/10 and 2010/11, in real terms is £187.5m, £184.4m and £181.5m respectively. 19

In 2006/07 Scotland's Council's spent £45 million in procuring subsidised services.

At the beginning of financial year 2007/08, the Scottish Government disaggregated the following transport budgets to Councils:-

**Bus Route Development Grant £11,256,026**

**Rural Transport Fund £8,700,000**

**Demand Responsive Transport Grant £798,500**

So bus service developmental budgets have been transferred to Councils, whilst the largest single bus support budget, the BSOG, remains under the direct control of the Scottish Government.

It may be worth considering whether there is a case in present circumstances or in a scenario involving further regulation of the bus industry in Scotland, that the BSOG should be disaggregated and transferred to Councils, who, given their statutory duty for Best Value, may be able to deploy the various budgets mentioned more effectively.

### QUESTIONS

**13** Is there a case for disaggregating the Bus Service Operators Grant to Councils?

## Section 5: Bus Policy

Since 1st June 2005, when the Scottish Parliament debated and noted the Transport and Local Government Committee's report on its Inquiry into issues arising from the Transport (Scotland) Act 2001, there have been several debates in the Parliament which have focussed on various aspects of bus services.

On 6th September 2006, the following motion by Pauline McNeill MSP, Glasgow Kelvin, (Scottish Labour), was debated in the Scottish Parliament:-

**S2M-04577 Passengers Before Profits - Greater Accountability in Public Transport**

That the Parliament reiterates its strong view that decent local bus services are vital to all Scotland's communities and its belief that such services are integral to cutting road congestion and safeguarding the environment; welcomes the significant investment in bus infrastructure, including better terminuses, priority bus lanes and fast track traffic management systems which have received Scottish Executive support throughout Scotland; expresses significant concern that withdrawal of services is continuing resulting in, for example, a much poorer after-hours service in Glasgow, undermining investment and attempts to deliver more integrated and accessible health care and other public services, as well as leaving many areas of both urban and rural Scotland without adequate services, and believes that the Executive and Transport Scotland, in return for the increased investment, should ensure greater accountability of the bus industry for services across Scotland, should undertake speedily a review of how quality bus partnerships are operating and should consider seriously all possible options which could prevent the loss or absence of vital services, including new and greater forms of regulation such as franchise agreements or allowing the new Regional Transport Partnerships the power to determine routes and timetables, so as to guarantee all Scottish communities the bus links which they need and deserve. 20

In the debate 24 (a "Members' Debate" after which no vote is taken), 12 MSPs of 5 different political parties, drawn from a mix of urban and rural constituencies, spoke in favour of the motion; many made clear that in so doing, they were reflecting the views of their constituents.

No MSP spoke against the motion, which had the signed support of 40 MSPs from 6 different Political Parties:-

**Mr Charlie Gordon, Bill Butler, Maureen Macmillan, Michael McMahon, Mr Kenneth Macintosh, Trish Godman, Christine May, Cathy Peattie, Jackie Baillie,**

**Des McNulty, Ms Sandra White, Patrick Harvie, Dr Elaine Murray, Carolyn Leckie, Frances Curran, Paul Martin, Tommy Sheridan, Robin Harper, Cathie Craigie, Karen Gillon, Mrs Mary Mulligan, Chris Ballance, Donald Gorrie, Janis Hughes, Shiona Baird, Helen Eadie, Dr Sylvia Jackson, Marilyn Livingstone, Mr Mark Ruskell, Nora Radcliffe, Eleanor Scott, Mr Duncan McNeil, Linda Fabiani, Kate Maclean, Elaine Smith, Ms Wendy Alexander, Dr Jean Turner, Rob Gibson, Irene Oldfather, Marlyn Glen**

The breadth of all Party support for Pauline McNeill MSP's motion may well have influenced the contents of the Bus Action Plan, which was launched 3 months after the debate on the Motion, by the then Scottish Government.

Point 9 of the 17 point Bus Action Plan: "In order to support franchising where there is market failure, review the legislation on Quality Contract (QCs) to simplify the process to be followed by transport authorities." Point 10 of the plan: "Reviews the legislation on Quality Partnerships (QPs) to simplify the process and increase the benefits to the passenger." 21

But no Parliamentary time was available for any legislative follow up during the remainder of that Parliamentary session, due to the proximity of the 2007 Scottish Parliamentary Elections.

In the Scottish Parliamentary elections of May 2007, the Manifestos of the Scottish Labour Party, 22 the Scottish Liberal Democrats 23, and of the Scottish Green Party 24 all contained statements in favour of further regulation of Scottish Bus services.

The Scottish Conservative Manifesto said "Inside Scotland, we will support alternative forms of transport. We continue to support the flexible provision of buses.", 25 which is taken to mean support for the status quo.

The Manifesto of the Scottish National Party which subsequently formed the Scottish Government said:-

"We will also pilot a new scheme to tackle congestion during the school run. In Edinburgh school pupils will be given free bus travel before and after school to encourage greater use of public transport. This will include £4 million investment in modern buses, as a more effective alternative to the Edinburgh Trams scheme.

Park and Ride Schemes have been terrifically successful. The SNP in government will require each city to provide its strategy within 6 months of the election showing what they will do to enhance Park and Ride provision by bus or train or both, in their area. We will work with Local Authorities to ensure every effort is made to fast-track schemes." 26

**On 26th October 2007, John Park MSP circulated the following motion:-**

**“That the Parliament recognises the importance of accessible public transport to communities across Scotland; expresses concern that many private bus operators do not undertake adequate consultation with communities on changes to local bus services; notes that only one bus operator in Scotland is local authority owned, with all others provided by private sector operators; believes that regulated public transport systems are better for the communities that they serve; further believes that transport services should be run for public need, not private profit, and calls on the Scottish Executive to commit to investment in the Scottish bus network and to move towards the re-regulation of bus services in Scotland.” 20**

**The motion received the signed support of 23 MSPs across 3 political parties:-**

**Helen Eadie, James Kelly, Trish Godman, Jackie Baillie, Dr Elaine Murray, Patrick Harvie, Andy Kerr, Mary Mulligan, Bill Butler, Robin Harper, Jim Tolson, Karen Gillon, Pauline McNeill, Patricia Ferguson, Ken Macintosh, Elaine Smith, George Foulkes, Hugh Henry, Marilyn Livingstone, Marlyn Glen, Cathy Peattie, Peter Peacock, Rhoda Grant**

**On June 12th 2008, there was a major debate on Bus Transport in the Scottish Parliament.**

**The voting on the amendments debated was as follows:-**

**Stewart Stevenson’s (SNP) amendment to the amendment moved by Alex Johnstone (Conservative) was carried by 61 votes to 41, with 16 abstentions;**

**Alex Johnstone’s (Conservative) amendment to the motion moved by Des McNulty (Labour) was carried by 61 votes to 56, with no abstentions; Alison McInnes’s (Liberal Democrat) amendment to Des McNulty’s (Labour) motion was defeated by 61 votes to 50, with 1 abstention; Patrick Harvie’s (Green) amendment to Des McNulty’s motion was carried by 86 votes to 15, with 16 abstentions. But Des McNulty’s (Labour) motion as amended was defeated by 68 votes to 48, with 1 abstention. The upshot of the Debate was that nothing was resolved, leaving a systematic ambiguity at the heart of the bus policy debate in Scotland 20.**

So it is unclear whether a majority of current MSPs favour simplifying bus regulation, as suggested in the Bus Action Plan, but in any case, it is also important to consider the views of other interested parties on bus regulation issues.

Given the examples of voluntary partnerships highlighted in section 5 and given that the commercial enterprise of most bus operators, it may be argued that the greater regulation of buses facilitated by the Transport (Scotland) Act 2001 has never been taken up because bus users and local authorities are in the main, satisfied with current bus services and standards.

The Confederation of Passenger Transport (CPT), which represents bus operators, makes such a case in its paper “Why Bus Re-Regulation is not the answer” 27 argues that old-style regulation was costly and inefficient; that the long-term decline in bus usage evident before the 1985 Transport Act has been arrested and reversed; that commercial bus operators are more customer-focussed than heavily-regulated ones and that in any case bus operators regulated by the Traffic Commissioner and on competition issues, e.g. preventing cartels, by the Office of Fair Trading (OFT).

The CPT paper goes on to argue that the main means for future improvements to bus services in Scotland should be through voluntary partnerships between bus operators and local authorities and by a joint focus along with the Scottish Government, on delivering the objectives of the Bus Action Plan.

Yet it may be inferred that the CPT is opposed to that part of the Bus Action Plan which calls for the simplification of implementation of QPs and QCs under the Transport (Scotland) Act 2001; as with the Scottish Parliament, there is ambiguity.

Following a period of detailed analysis by key stakeholders of how the Bus Action Plan might best be implemented, a high level forum of senior decision-makers from local and central government, the bus industry and its regulatory agencies met in Edinburgh on 11 March 2008. The forum was chaired by Stewart Stevenson MSP, Minister for Transport, Infrastructure and Climate Change.

The forum concluded that improved quality is key to persuading increasing numbers of drivers to leave their cars at home and travel by bus. So, too, is effective partnership in the planning and delivery of the required improvements. If the public and private sectors give even greater priority to buses and their passengers, and collaborate, there is a chance of taking the recent increases in passenger numbers to the next level.

At the forum, the Minister undertook to continue to work with the various stakeholders in advancing the agenda for change; to follow progress; and to issue bus policy guidance to stakeholders later in 2008.

The Scottish Government has since published: “Buses for Scotland, Progress Through Partnership”, a guide for Local Authorities, Regional Transport Partnerships and Bus Operators, which includes a chapter on bus regulation. The document concludes by giving a commitment to issue further guidance, including addressing the issue of quality partnership and punctuality improvement themes. So, as with the CPT, the Scottish Government seems ambiguous about bus regulation.

Given that ambiguity and consequent uncertainty that lies at the heart of bus policy in Scotland, and persistent concerns over bus services as reflected in Parliamentary Motions and Debates, it is reasonable to have a more focussed debate on the advisability of further regulation of Scotland’s bus services, informed by evidence from all interested parties. This Public Consultation provides that opportunity.

## QUESTIONS

**14** 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”?

**15** 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”?

**16** Is there ambiguity and consequent uncertainty on the issue of bus regulation on Scotland?

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

## Section 6: Free Bus Travel

Prior to the start of Scotland-wide free bus travel for older and disabled persons on 1st April 2006, each local transport authority was responsible for all aspects of their own local concessionary travel scheme. This meant that eligibility criteria varied over schemes, particularly in respect of disability.

With a view to standardising the eligibility and validation processes the then Scottish Government undertook a public consultation exercise during the period October 2005 to December 2005. Following this consultation exercise, the national scheme eligibility criteria and validation processes were standardised with the agreement of transport authorities, transport operators and the Mobility and Access Committee for Scotland, and was approved by the Scottish Parliament under the National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006.

In order to allow a smooth transition from the local concessionary travel schemes to the national scheme, disabled people were not immediately reassessed under the new criteria and continued to receive free bus travel for a minimum period of 12 months. Anyone who held a local concessionary travel card at 31 May 2006 was automatically pass ported into the national scheme without having to provide further documentary evidence at that time.

However, the scheme ruled require that all card holders must be reassessed on the expiry of their existing card and local transport authorities, who are responsible for processing applications, were expected to explain the position clearly to those who may no longer qualify and indeed to give advance warning if possible.

Scottish Parliamentary Motion S3M-596 was lodged by Angela Constance MSP on 2nd October 2007 and subsequently received the signed support of 19 MSPs from across 4 political parties.

“That the Parliament notes with concern that disabled people in receipt of the low rate mobility component of disability living allowance (DLA) are not eligible for concessionary travel; is deeply alarmed about the detrimental impact on disabled people who this year have had to re-apply for concessionary travel and who have subsequently lost eligibility; recognises that the national concessionary travel scheme replaced local schemes such as those operated in West Lothian and the Strathclyde area that included those in receipt of DLA low rate mobility component; acknowledges that DLA low rate mobility component is a

benefit for people who, due to the nature of their disability, require support or supervision to travel; notes that many people with mental health problems or learning disabilities will not qualify for concessionary travel under the mental health legislation due to high thresholds and bureaucracy and, furthermore, that this exclusion contravenes recommendations and the spirit of the Same as You guidance, and therefore considers that the national concessionary travel scheme should be reviewed and that Capability Scotland and Enable Scotland should be supported in their campaign to extend eligibility for concessionary travel to those in receipt of DLA low rate mobility component and free travel for their companions, and to make it easier for disabled people to qualify where they are not in receipt of DLA or eligible under mental health legislation.” 20

**Supported by:** Elaine Smith, Stuart McMillan, Hugh O'Donnell, Joe FitzPatrick, Bob Doris, Alex Neil, Michael Matheson, Sandra White, Bill Kidd, Robin Harper, Christina McKelvie, Bashir Ahmad, Rob Gibson, Kenneth Gibson, Keith Brown, Gil Paterson, Christine Grahame, Ken Macintosh, Jamie Hepburn

Scottish Parliamentary Motion S3M-635 was lodged on 11th October 2007 by Charlie Gordon MSP was signed by 25 MSPs:

**“S3M-00635 Charlie Gordon (Glasgow Cathcart) (Scottish Labour): Changes to the National Concessionary Travel Scheme— That the Parliament calls on the Scottish Government urgently to review the national concessionary travel scheme to extend eligibility to disabled people in receipt of the lower rate of disability living allowance and to older and disabled people using community transport in rural areas, and to consult on other desirable changes to the scheme.” 20**

**Supported by:** Pauline McNeill, Andy Kerr, Elaine Smith, Dr Elaine Murray, Bill Butler, Iain Gray, Paul Martin, Michael McMahon, David Whitton, Sarah Boyack, Ken Macintosh, Cathy Peattie, James Kelly, John Park, Irene Oldfather, Jackie Baillie, Karen Gillon, Des McNulty, Trish Godman, Rhoda Grant, Mary Mulligan, Tom McCabe, Dr Richard Simpson, Rt Hon Jack McConnell, Peter Peacock

Scottish Parliamentary Motion S3M-829 was lodged by Charlie Gordon MSP on 13th November 2007 and received the signed support of 29 MSPs from across 3 political parties.

**S3M-829 “That the Parliament believes that the national concessionary travel scheme should be urgently reviewed to extend eligibility to disabled people in receipt of the lower rate of disability living allowance, including those in Glasgow, and to older and disabled people using community transport in rural areas such as those in Clydesdale and that there should be consultation on other desirable changes to the scheme.” 27**

**Supported by: Trish Godman, Dr Elaine Murray, Robin Harper, Bill Butler, Marilyn Livingstone, Mary Mulligan, Paul Martin, James Kelly, Pauline McNeill, David Stewart, Claire Baker, Jackie Baillie, John Park, Alex Neil, Hugh O'Donnell, Iain Gray, Karen Gillon, Andy Kerr, Karen Whitefield, Cathy Peattie, Ken Macintosh, Irene Oldfather, Rob Gibson, Lewis Macdonald, Rt Hon Jack McConnell, Mr Frank McAveety, Peter Peacock, Rhoda Grant, Dr Richard Simpson**

**Both of Charlie Gordon MSP's motions, as well as pursuing the issues raised in Angela Constance MSP's Motion (S3M—596) regarding termination of Concessionary Travel for some categories of disabled persons (e.g. those on the lower rate of disability living allowance), returned to a theme raised in Scottish Parliamentary Motion S2M-3882 lodged by Stewart Stevenson MSP, on 26th January 2006 and which received the signed support of 19 MSPs from 4 political parties.**

**S2M-3882 "That the Parliament congratulates the Banffshire Partnership and the Buchan Dial-a-Community Bus, who provide an essential transport service in areas with virtually no public transport; notes that transport problems faced by many people in rural communities lead to many forms of exclusion; further notes that at present the national concessionary travel scheme does not encompass transport outwith conventional services, and hopes that the formation of Transport Scotland will enable new ideas to be implemented to tackle the problem of rural transport." 20**

**Supported by: Mr Michael Matheson, Mr Jamie Stone, Mr Stewart Maxwell, Mr Andrew Welsh, Eleanor Scott, Mr Brian Adam, Richard Lochhead, Patrick Harvie, Mrs Margaret Ewing, Rob Gibson, Christine Grahame, Fergus Ewing, Nora Radcliffe, Robin Harper, Mr Adam Ingram, Donald Gorrie, Mr David Davidson, Shiona Baird, Alex Fergusson**

**The following Ministerial Question to a Parliamentary Question on extending the concessionary travel scheme to encompass community transport was published on 18th October 2007:-**

**"S3W-4476 - Karen Gillon (Clydesdale) (Lab) (Date Lodged Wednesday, September 19, 2007): To ask the Scottish Executive whether it has any plans to extend the national concessionary fares scheme for older and disabled persons to include those using local community transport in rural areas.**

**Stewart Stevenson (Minister for Transport): The Scottish Executive has no plans to change the current scheme in advance of the independent review which is due to report by autumn 2008." 20**

The independent review of the concessionary travel scheme referred to in the Ministerial answer to Parliamentary Question S3W-04476 commenced in July 2008.

In a submission to the above review of August 2008, the charity WRVS, said:

“While many of us take it for granted that we can hop on a bus and go shopping, attend a medical appointment or simply go out and enjoy ourselves we should never forget that this is not true for everyone. Many people are simply unable to do so without proper assistance and, with the best will in the world, these same people are unable to make extensive (or in some cases any) use of scheduled bus services. This can be for all sorts of reasons, from the difficulty associated with getting to a bus stop to the fact that services are too infrequent to be of practical use.”

In the conclusion of its submission, WRVS said:

“WRVS urges the Scottish Government to revise the national concessionary travel scheme so as to include free travel for older people on demand responsive community transport services.” 29

In terms of gaps in bus service provision available from commercial and subsidised services and in terms of the needs of some elderly and disabled travellers, there is a statable case to extend the scope of concessionary travel to encompass community transport/DRT schemes.

Rob Gibson MSP, a Member of the Scottish Parliament’s Transport, Infrastructure and Climate Change Committee, alluded to such an extension in a question to the Cabinet Secretary for Finance and Sustainable Growth, John Swinney MSP, at the meeting of 9th September 2008:-

“Rob Gibson: Community transport and buses have just been mentioned. Will there be help for people in different sectors and in areas with smaller populations—which contribute enormously to the country’s economy—to fine tune the transport strategy in the recognition that a distinction between commercial and non-commercial decisions about transport provision is artificial? Will such help be available in order that the Government, which serves the whole of Scotland, applies a transport strategy to outlying areas in the mainstream?”

John Swinney MSP: I am glad that Mr Gibson has given me the opportunity to make a point about community transport operators, which is also relevant to what Alison McInnes asked about. We should not always see the solutions to challenges that community transport providers face as transport-funded solutions; there are also social-enterprise-funded solutions for which the Government provides.” 30

One interpretation of Mr Swinney's answer is the fact that community transport/DRT bus operators could become more like commercial bus operators, boosted by Government funding for social enterprise; it is not clear whether that would mean that the case for including such operators' services in the concessionary travel scheme within the ambit of the independent review of concessionary travel which commenced in July 2008.

A briefing emailed to all MSPs by the charity Help the Aged for a transport debate in the Scottish Parliament on 12th June said:-

“Although the Scottish Government offer free national bus travel to people aged over 60, opening up new opportunities for many older people, a number of barriers still prevent older people using transport and getting out and about. Including community transport in the concessionary travel scheme and introducing more accessibility buses would help address these problems.” 31

It remains to be seen whether the independent reviews of the national concessionary travel scheme will facilitate the admission to the scheme of persons in receipt of the lower rate of Disability Living Allowance and of operators of community transport and demand responsive transport schemes.

A more certain means of achieving the above changes would be to amend the eligibility criteria within the proposed Bill pertaining to this consultation document.

## QUESTIONS

18 What are your views on ensuring that those in receipt of the lower level of Disability Living Allowance are included in the scheme?

19 What are your views on extending existing legislation to include community transport and demand responsive transport teams in the concessionary travel scheme?

20 What equal opportunities issues arise from this and all other aspects of my proposal?

## Section 7 Bus Workers

**Straightforward competition between commercial bus services may sometimes result in job losses for bus workers employed by operators who lose out to competitors, but, given that the industry has grown in recent years and, given that other industries which are seeking labour may be attractive to potential or former bus workers, there has been recently a shortage of bus workers in Scotland.**

**Where there are gaps in bus provision due to the non-existence of or the withdrawal of commercial bus services, transport authorities may procure and subsidise new or replacement services, provided no new or replacement services step in to fill the gap.**

**When a transport authority prepares a subsidised service through a competitive tender, it often results in “off the road” competition between different bus operators to win the contract.**

**Competition in such circumstances need not necessarily have an adverse affect on jobs within a bus operation which loses out on a tender, as, by definition, there would have been no pre-existing services in the first place in the area covered by the competitive tendering.**

**However, it is not unusual for a bus operator who has created a gap by withdrawing a commercial service to then tender for the replacement service procured and subsidised by the local transport authority; a successful bid by such an operator may be the subject of ironic comment by the members of the transport authority; an unsuccessful tender bid which lets a commercial rival into the previous operator’s area may be the subject of ironic comment by their bus workers.**

**However, if QPs and QCs as provided under the Transport (Scotland) Act 2001 were to be implemented, then there is a potential impact on jobs.**

**Under a QP, there would be an expectation that a bus operator who does not sign up to it should be refused registration by the Traffic Commissioner of services seeking to use the enhanced infrastructure, such as a new bus lane, without committing to the enhanced service standards that other bus operators who have signed up to the QP have.**

**With a QC, commercial bus services in sizeable areas could be supplanted by**

a package of subsidised services procured by a local transport authority through a package of competitive tenders that amount, in effect, to a franchise.

**Both the QP and QC scenarios could affect bus workers' jobs.**

Rail services in the UK, including Scotland, are procured through competitive franchising and the employees of a pre-existing train operator which is unsuccessful in its franchise bid are protected.

There is a case for treating bus workers employed by operators who lose out in competitive franchising procured by transport authorities to employ similar protection to rail workers.

One means of doing this would be for the policy memorandum which accompanies this proposed Bill to stipulate a protocol to be agreed between the Scottish Government, COSLA, bus operators and the Scottish Trades Union Congress, designed to bolster the employment rights of bus workers in such circumstances.

A similar protocol was agreed between the Scottish Government and the Scottish Trades Union Congress in 2002 to bolster the employment rights of workers affected by Public Private Partnership (PPP) schemes.

## QUESTIONS

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

## Section 8: List of References

1. Transport (Scotland) Act 2001
2. Transport Act 1985
3. National Assembly for Wales website
4. Scottish Government Bus Action Plan
5. Scottish Government Bus Action Plan
6. Transport (Scotland) Act 2001
7. HITRANS website (<http://www.hitrans.org.uk>)
8. NESTRANS website (<http://www.nestrans.org.uk>)
9. SESTRANS website (<http://www.sestran.gov.uk>)
10. SWESTRANS website (<http://www.dumgal.gov.uk>)
11. ZETRANS website
12. TACTRAN website (<http://www.pkctg.org.uk/id18.html>)
13. Glasgow City Council website (<http://www.glasgow.gov.uk>)
14. Evening Times Newspaper (<http://www.eveningtimes.co.uk>)
15. Holyrood Magazine (<http://www.holyroodmag.com>)
16. Leonard Cheshire Disability website ([www.lcdisability.org](http://www.lcdisability.org))
17. Confederation of Passenger Transport (<http://www.cpt.org.uk>)
18. Scottish Parliament: Transport, Infrastructure and Climate Change Committee
19. Scottish Government Draft Budget 2009/10
20. Scottish Parliament website (<http://www.scottish.parliament.uk>)
21. Scottish Government Bus Action Plan
22. Scottish Labour Party 2007 manifesto
23. Scottish Liberal Democrats 2007 manifesto
24. Scottish Green Party 2007 manifesto
25. Scottish Conservative and Unionist Party 2007 manifesto
26. Scottish National Party 2007 manifesto
27. Confederation of Passenger Transport: Why Bus Re-Regulation is not the answer
28. Buses for Scotland: Progress Through Partnership
29. Scottish Government: Independent Review of the Concessionary Travel Scheme
30. Scottish Parliament: Transport, Infrastructure and Climate Change Committee
31. Help the Aged MSP Briefing, June 2008

**Section 9: Glossary**

<b>BAP:</b>	<b>Bus Action Plan</b>
<b>BSOG:</b>	<b>Bus Services Operating Grant</b>
<b>CPT:</b>	<b>Confederation of Passenger Transport</b>
<b>DLA:</b>	<b>Disability Living Allowance</b>
<b>DRT:</b>	<b>Demand Responsive Transport</b>
<b>FDR:</b>	<b>Fuel Duty Rebate</b>
<b>MSPs:</b>	<b>Members of the Scottish Parliament</b>
<b>OFT:</b>	<b>Office of Fair Trading</b>
<b>QPs:</b>	<b>Quality Partnerships</b>
<b>QCs:</b>	<b>Quality Contracts</b>
<b>RTPs:</b>	<b>Regional Transport Partnerships</b>
<b>Transport Authorities:</b>	<b>A Council or a Regional Transport Partnership.</b>
<b>WRVS:</b>	<b>Women’s Royal Voluntary Service</b>

## **Section 10 Acknowledgements**

**Aidan O'Donnell**

**Confederation of Passenger Transport**

**Des McNulty MSP**

**Non Executive Bills Unit, The Scottish Parliament**

**Stuart Donaldson**

**Unite Union**

## **Section 11: Charlie Gordon MSP – Biographical Notes**

**Charlie Gordon MSP spent 19 years of his working life in the Railway Industry.**

**In 1987, he was elected to Strathclyde Regional Council (SRC) and soon became a Member of its Roads and Transportation Committee; he was the Committee's vice-chairman from 1990-1994 and then its Chairman until 1996, when SRC was abolished.**

**He was President of the POLIS (Promoting Operating Links for Integrated Services) Network of European Transport Organisations from 1992 to 1995.**

**He was the first Chairman of Strathclyde Passenger Transport Authority from 1995 to 1999, when he became Leader of Glasgow City Council, having served as its Deputy Leader since 1997.**

**He stood down as Leader of Glasgow City Council in 2005 and later that year, he was elected to the Scottish Parliament as MSP for Glasgow Cathcart.**

**Charlie Gordon MSP is a former Scottish Labour Spokesman on Transport and is a current Member of the Scottish Parliament's Transport, Infrastructure and Climate Change Committee and of the European and External Affairs Committee.**

## **Section 12:**

### **Responding to this Proposal**

**Your views and comments on the issues raised in this consultation are very much welcomed.**

**Please send them by no later than Friday 27th February 2009 to:-**

**Charlie Gordon MSP  
The Scottish Parliament  
Edinburgh  
EH99 1SP**

**Or email them to:- [charlie.gordon.msp@scottish.parliament.uk](mailto:charlie.gordon.msp@scottish.parliament.uk)**

**Or fax them to:- 0131-348-6873**

**Please state whether you are responding as an individual or on behalf of an organisation.**

**Please feel free to pass this Consultation Document on to anyone else that you think may be interested.**

**To help inform debate on the matters covered by this paper and in the interests of openness it is intended all the responses submitted on this consultation document will be made public. You should therefore be aware that by submitting this response you are indicating consent to the publication of all the material contained in your response. Unless you indicate otherwise this will include your name and address and any other biographical information you have provided about yourself.**

**You should note that personal data referring to third parties included in the response cannot be accepted without explicit written consent from the third party. This consent should be provided with your response.**

We are not entitled to process your personal data by publication without your consent. If therefore you want parts of your response to remain confidential please indicate which parts are not for publication.

Similarly, if you wish all of the contents of your response to be treated in confidence and not made public then please indicate so.

All responses will be included in any summary or statistical analysis, which does not identify individual responses.

Further copies can be requested via my website [www.charliegordonmsp.com](http://www.charliegordonmsp.com), by email [charlie.gordon.msp@scottish.parliament.uk](mailto:charlie.gordon.msp@scottish.parliament.uk) or by calling my Constituency Office on 0141-632-8645.

## COMPREHENSIVE LIST OF QUESTIONS

### Section 2 (Pages 8 - 10)

- 1 Why have no transport authorities or bus operators yet implemented a statutory QP under the 2001 Transport (Scotland) Act?
- 2 How do you think bus services in your area could be improved? Do you think that more regulation via quality partnership and quality contract schemes would improve bus services?
- 3 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?
- 4 What are your views on simplifying how quality partnership and quality contract schemes can be set up? How can the process be simplified?
- 5 What are the costs involved in implementing a quality partnership or quality contract?
- 6 What are your views on abolishing the requirement for quality contract schemes to be approved by Scottish Ministers? What should the alternative be?

### **Section 3 (Pages 11-16)**

**7** The Scottish Government's "Bus policy Overview" of 2006 said "...there are areas – notably in 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?

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

**9** How effective are voluntary partnerships between local authorities and bus operators in Scotland?

**10** How could improved regulation of bus services support the work of the Traffic Commissioner in Scotland?

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

**12** 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?

### **Section 4 (Pages 17-18)**

**13** Is there a case for disaggregating the Bus Service Operators Grant to Councils?

### **Section 5 (Pages 19-23)**

**14** 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"?

**15** 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"?

**16** Is there ambiguity and consequent uncertainty on the issue of bus regulation on Scotland?

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

### **Section 6 (Pages 24-28)**

**18** What are your views on ensuring that those in receipt of the lower level of Disability Living Allowance are included in the scheme

**19** What are your views on extending existing legislation to include community transport and demand responsive transport teams in the concessionary travel scheme?

**20** What equal opportunities issues arise from this and all other aspects of my proposal?

### **Section 7 (Pages 29-30)**

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

**PRO-FORMA**

**NAME**

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**ADDRESS**

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**EMAIL ADDRESS**

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**Please indicate whether you responding as an individual member of the public or on behalf of an organisation?**

**Member of the public**

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**On behalf of an organisation**

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**If you are responding on behalf of an organisation please give details below:-**

**Name of organisation**

-----

**Your Title**

-----

**Address**

-----

**Telephone number**

-----

**E Mail address**

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**Charlie Gordon MSP  
The Scottish Parliament  
Edinburgh  
EH99 1SP**

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